

**Introduced by Senator Hill
(Coauthor: Senator Vidak)**

(Coauthors: Assembly Members Bonilla, Levine, and Wagner)

December 29, 2014

An act to amend Section 13386 of, to amend, repeal, and add Sections 13352, 13352.4, 13353.3, 13353.4, 13353.5, 23247, 23573, 23575, 23576, and 23597 of, and to add Sections 13353.6, 23575.3, and 23575.5 to, the Vehicle Code, relating to ignition interlock devices.

LEGISLATIVE COUNSEL'S DIGEST

SB 61, as introduced, Hill. Driving under the influence: ignition interlock device.

Existing law requires the Department of Motor Vehicles to immediately suspend a person's privilege to operate a motor vehicle for a specified period of time if the person has driven a motor vehicle when the person had a certain blood-alcohol concentration. Existing law authorizes certain individuals, whose privilege is suspended pursuant to that provision to receive a restricted driver's license if specified requirements are met, including the completion of specified periods of license suspension or revocation.

Existing law also requires the department to immediately suspend or revoke a person's privilege to operate a motor vehicle if the person has been convicted of violating specified provisions prohibiting driving a motor vehicle under the influence of an alcoholic beverage or drug or the combined influence of an alcoholic beverage and drug, or with 0.08% or more, by weight, of alcohol in his or her blood or while addicted to the use of any drug, with or without bodily injury to another. Existing law also authorizes certain individuals whose privilege is suspended or revoked pursuant to that provision to receive a restricted

driver's license if specified requirements are met, including the completion of specified periods of license suspension or revocation and, in some instances, the installation of an ignition interlock device on the person's vehicle. Existing law does not permit a person who has been convicted of a first offense of driving a motor vehicle under the influence, with injury, to receive a restricted driver's license.

Existing law also requires the Department of Motor Vehicles to establish a pilot program from July 1, 2010, to January 1, 2016, inclusive, in the Counties of Alameda, Los Angeles, Sacramento, and Tulare that requires, as a condition of being issued a restricted driver's license, being reissued a driver's license, or having the privilege to operate a motor vehicle reinstated subsequent to a conviction for any violation of the above offenses, a person to install for a specified period of time an ignition interlock device on all vehicles he or she owns or operates. The amount of time the ignition interlock device is required to be installed is based upon the number of convictions, as prescribed.

This bill would provide that an individual whose license has been suspended for driving a motor vehicle when he or she has a certain blood-alcohol concentration and who is eligible for a restricted driver's license may be eligible for a restricted driver's license without serving any period of the suspension if the person meets all other eligibility requirements and the person installs an ignition interlock device.

The bill would also require a person who has been convicted of driving a motor vehicle under the influence of an alcoholic beverage, as specified, to install an ignition interlock device on all vehicles that he or she owns or operates for a specified period of time. The bill would also authorize a person convicted of driving a motor vehicle under the influence, including a person who was convicted of a first offense of driving a motor vehicle under the influence, with injury, if all other requirements are satisfied, including the installation of an ignition interlock device, to apply for a restricted driver's license without completing a period of license suspension or revocation. The bill would provide that its provisions would become operative July 1, 2016. The bill would require the Department of Motor Vehicles to issue a report to the Legislature by June 1, 2020, regarding the implementation and efficacy of these provisions.

The bill would also make clarifying changes.

By specifying that certain crimes relating to ignition interlock devices apply when an ignition interlock device is installed pursuant to the

provisions of this bill, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 13352 of the Vehicle Code is amended
2 to read:

3 13352. (a) The department shall immediately suspend or
4 revoke the privilege of a person to operate a motor vehicle upon
5 the receipt of an abstract of the record of a court showing that the
6 person has been convicted of a violation of Section 23152 or 23153,
7 subdivision (a) of Section 23109, or Section 23109.1, or upon the
8 receipt of a report of a judge of the juvenile court, a juvenile traffic
9 hearing officer, or a referee of a juvenile court showing that the
10 person has been found to have committed a violation of Section
11 23152 or ~~23153 or 23153~~, subdivision (a) of Section ~~23109~~ 23109,
12 or Section 23109.1. If an offense specified in this section occurs
13 in a vehicle defined in Section 15210, the suspension or revocation
14 specified below shall apply in this subdivision applies also to the
15 noncommercial driving privilege. The commercial driving privilege
16 shall be disqualified as specified in Sections 15300 to 15302,
17 inclusive. For the purposes of this section, suspension or revocation
18 shall be as follows:

19 (1) Except as required under Section 13352.1 or 13352.4, upon
20 a conviction or finding of a violation of Section 23152 punishable
21 under Section 23536, the privilege shall be suspended for a period
22 of six months. The privilege shall not be reinstated until the person
23 gives proof of financial responsibility and gives proof satisfactory
24 to the department of successful completion of a
25 driving-under-the-influence program licensed pursuant to Section
26 11836 of the Health and Safety Code described in subdivision (b)
27 of Section 23538. If the court, as authorized under paragraph (3)
28 of subdivision (b) of Section 23646, elects to order a person to

1 enroll in, participate in, and complete either program described in
2 subdivision (b) of Section 23542, the department shall require that
3 program in lieu of the program described in subdivision (b) of
4 Section 23538. For the purposes of this paragraph, enrollment in,
5 participation in, and completion of an approved program shall be
6 *occur* subsequent to the date of the current violation. Credit shall
7 not be given to any program activities completed prior to the date
8 of the current violation.

9 (2) Upon a conviction or finding of a violation of Section 23153
10 punishable under Section 23554, the privilege shall be suspended
11 for a period of one year. The privilege shall not be reinstated until
12 the person gives proof of financial responsibility and gives proof
13 satisfactory to the department of successful completion of a
14 driving-under-the-influence program licensed pursuant to Section
15 11836 of the Health and Safety Code as described in subdivision
16 (b) of Section 23556. If the court, as authorized under paragraph
17 (3) of subdivision (b) of Section 23646, elects to order a person
18 to enroll in, participate in, and complete either program described
19 in subdivision (b) of Section 23542, the department shall require
20 that program in lieu of the program described in Section 23556.
21 For the purposes of this paragraph, enrollment, participation, and
22 completion of an approved program shall be *occur* subsequent to
23 the date of the current violation. Credit shall not be given to any
24 program activities completed prior to the date of the current
25 violation.

26 (3) Except as provided in Section 13352.5, upon a conviction
27 or finding of a violation of Section 23152 punishable under Section
28 23540, the privilege shall be suspended for two years. The privilege
29 shall not be reinstated until the person gives proof of financial
30 responsibility and gives proof satisfactory to the department of
31 successful completion of a driving-under-the-influence program
32 licensed pursuant to Section 11836 of the Health and Safety Code
33 as described in subdivision (b) of Section 23542. For the purposes
34 of this paragraph, enrollment in, participation in, and completion
35 of an approved program shall be subsequent to the date of the
36 current violation. Credit shall not be given to any program activities
37 completed prior to the date of the current violation. The department
38 shall advise the person that he or she may apply to the department
39 for a restriction of the driving privilege, which may include credit
40 for a suspension period served under subdivision (c) of Section

1 ~~13353.3, subject to the following conditions:~~ *restricted driver's*
2 *license if the person meets all of the following requirements:*

3 (A) Completion of 12 months of the suspension period, or
4 completion of 90 days of the suspension period if the underlying
5 conviction did not include the use of drugs as defined in Section
6 312 and the person was found to be only under the influence of an
7 alcoholic beverage at the time of the violation.

8 (B) The person satisfactorily provides, subsequent to the
9 violation date of the current underlying conviction, either of the
10 following:

11 (i) Proof of enrollment in an 18-month
12 driving-under-the-influence program licensed pursuant to Section
13 11836 of the Health and Safety Code *if a 30-month program is*
14 *unavailable in the person's county of residence or employment.*

15 (ii) Proof of enrollment in a 30-month
16 driving-under-the-influence program licensed pursuant to Section
17 11836 of the Health and Safety Code, if available in the county of
18 the person's residence or employment.

19 (C) The person agrees, as a condition of the restriction, to
20 continue satisfactory participation in the program described in
21 subparagraph (B).

22 (D) The person submits the "Verification of Installation" form
23 described in paragraph (2) of subdivision (g) of Section 13386.

24 (E) The person agrees to maintain the ignition interlock device
25 as required under subdivision (g) of Section 23575.

26 (F) The person provides proof of financial responsibility, as
27 defined in Section 16430.

28 (G) The person pays all reissue fees and any restriction fee
29 required by the department.

30 (H) The person pays to the department a fee sufficient to cover
31 the costs of administration of this paragraph, as determined by the
32 department.

33 (I) The restriction shall remain in effect for the period required
34 in subdivision (f) of Section 23575.

35 (4) Except as provided in this paragraph, upon a conviction or
36 finding of a violation of Section 23153 punishable under Section
37 23560, the privilege shall be revoked for a period of three years.
38 The privilege may not be reinstated until the person gives proof
39 of financial responsibility, and the person gives proof satisfactory
40 to the department of successful completion of a

1 driving-under-the-influence program licensed pursuant to Section
2 11836 of the Health and Safety Code, as described in paragraph
3 (4) of subdivision (b) of Section 23562 of this code. For the
4 purposes of this paragraph, enrollment in, participation in, and
5 completion of an approved program shall ~~be~~ *occur* subsequent to
6 the date of the current violation. Credit shall not be given to any
7 program activities completed prior to the date of the current
8 violation. The department shall advise the person that after the
9 completion of 12 months of the revocation period, which may
10 include credit for a suspension period served under subdivision
11 (c) of Section 13353.3, ~~the person~~ *he or she* may apply to the
12 department for a restricted driver's license, ~~subject to the following~~
13 ~~conditions:~~ *license if the person meets all of the following*
14 *requirements:*

15 (A) The person ~~has satisfactorily completed,~~ *satisfactorily*
16 *provides*, subsequent to the violation date of the current underlying
17 conviction, either of the following:

18 (i) The initial 12 months of an 18-month
19 driving-under-the-influence program licensed pursuant to Section
20 11836 of the Health and Safety Code *if a 30-month program is*
21 *unavailable in the person's county of residence or employment.*

22 (ii) The initial 12 months of a 30-month
23 driving-under-the-influence program licensed pursuant to Section
24 11836 of the Health and Safety Code, if available in the county of
25 the person's residence or employment, ~~and the person agrees, as~~
26 ~~a condition of the restriction, to continue satisfactory participation~~
27 ~~in that 30-month program.~~ *employment.*

28 (B) *The person agrees, as a condition of the restriction, to*
29 *continue satisfactory participation in the program described in*
30 *subparagraph (A).*

31 ~~(B)~~
32 (C) The person submits the "Verification of Installation" form
33 described in paragraph (2) of subdivision (g) of Section 13386.

34 ~~(C)~~
35 (D) The person agrees to maintain the ignition interlock device
36 as required under subdivision (g) of Section 23575.

37 ~~(D)~~
38 (E) The person provides proof of financial responsibility, as
39 defined in Section 16430.

40 ~~(E)~~

1 (F) The person pays all applicable reinstatement or reissue fees
2 and any restriction fee required by the department.

3 ~~(F)~~

4 (G) The restriction shall remain in effect for the period required
5 in subdivision (f) of Section 23575.

6 (5) Except as provided in this paragraph, upon a conviction or
7 finding of a violation of Section 23152 punishable under Section
8 23546, the privilege shall be revoked for a period of three years.
9 The privilege shall not be reinstated until the person files proof of
10 financial responsibility and gives proof satisfactory to the
11 department of successful completion of ~~one of the following~~
12 ~~programs~~: an 18-month driving-under-the-influence program
13 licensed pursuant to Section 11836 of the Health and Safety Code,
14 as described in subdivision (b) or (c) of Section 23548 of this code,
15 *if a 30-month program is unavailable in the person's county of*
16 *residence or employment*, or, if available in the county of the
17 person's residence or employment, a 30-month
18 driving-under-the-influence program licensed pursuant to Section
19 11836 of the Health and Safety Code, or a program specified in
20 Section 8001 of the Penal Code. For the purposes of this paragraph,
21 enrollment in, participation in, and completion of an approved
22 program shall ~~be occur~~ subsequent to the date of the current
23 violation. Credit shall not be given to any program activities
24 completed prior to the date of the current violation. The department
25 shall advise the person that he or she may apply to the department
26 for a ~~restriction of the driving privilege~~, *restricted driver's license*,
27 which may include credit for a suspension period served under
28 subdivision (c) of Section 13353.3, ~~subject to the following~~
29 ~~conditions~~: *if the person meets all of the following requirements*:

30 (A) Completion of 12 months of the suspension period, or
31 completion of six months of the suspension period if the underlying
32 conviction did not include the use of drugs as defined in Section
33 312 and the person was found to be only under the influence of an
34 alcoholic beverage at the time of the violation.

35 (B) The person satisfactorily provides, subsequent to the
36 violation date of the current underlying conviction, either of the
37 following:

38 (i) Proof of enrollment in an 18-month
39 driving-under-the-influence program licensed pursuant to Section

1 11836 of the Health and Safety Code *if a 30-month program is*
2 *unavailable in the person's county of residence or employment.*

3 (ii) Proof of enrollment in a 30-month
4 driving-under-the-influence program licensed pursuant to Section
5 11836 of the Health and Safety Code, if available in the county of
6 the person's residence or employment, ~~and the person agrees, as~~
7 ~~a condition of the restriction, to continue satisfactory participation~~
8 ~~in the 30-month driving-under-the-influence program.~~ *employment.*

9 (C) *The person agrees, as a condition of the restriction, to*
10 *continue satisfactory participation in the program described in*
11 *subparagraph (B).*

12 ~~(C)~~

13 (D) The person submits the "Verification of Installation" form
14 described in paragraph (2) of subdivision (g) of Section 13386.

15 ~~(D)~~

16 (E) The person agrees to maintain the ignition interlock device
17 as required under subdivision (g) of Section 23575.

18 ~~(E)~~

19 (F) The person provides proof of financial responsibility, as
20 defined in Section 16430.

21 ~~(F)~~

22 (G) An individual convicted of a violation of Section 23152
23 punishable under Section 23546 may also, at any time after
24 sentencing, petition the court for referral to an 18-month
25 driving-under-the-influence program licensed pursuant to Section
26 11836 of the Health and Safety Code, or, if available in the county
27 of the person's residence or employment, a 30-month
28 driving-under-the-influence program licensed pursuant to Section
29 11836 of the Health and Safety Code. Unless good cause is shown,
30 the court shall order the referral.

31 ~~(G)~~

32 (H) The person pays all applicable reinstatement or reissue fees
33 and any restriction fee required by the department.

34 ~~(H)~~

35 (I) The person pays to the department a fee sufficient to cover
36 the costs of administration of this paragraph, as determined by the
37 department.

38 ~~(I)~~

39 (J) The restriction shall remain in effect for the period required
40 in subdivision (f) of Section 23575.

(6) Except as provided in this paragraph, upon a conviction or finding of a violation of Section 23153 punishable under Section 23550.5 or 23566, the privilege shall be revoked for a period of five years. The privilege may not be reinstated until the person gives proof of financial responsibility and gives proof satisfactory to the department of successful completion of a driving-under-the-influence program licensed pursuant to Section 11836 of the Health and Safety Code as described in subdivision (b) of Section 23568, or if available in the county of the person's residence or employment, a 30-month driving-under-the-influence program licensed pursuant to Section 11836 of the Health and Safety Code, or a program specified in Section 8001 of the Penal Code. For the purposes of this paragraph, enrollment in, participation in, and completion of an approved program shall be subsequent to the date of the current violation. Credit shall not be given to any program activities completed prior to the date of the current violation. The department shall advise the person that after completion of 12 months of the revocation period, which may include credit for a suspension period served under subdivision (c) of Section 13353.3, ~~the person~~ *he or she* may apply to the department for a restricted driver's license, ~~subject to the following conditions:~~ *license if the person meets all of the following requirements:*

(A) ~~The person has satisfactorily provided,~~ *satisfactorily provides*, subsequent to the violation date of the current underlying conviction, either of the following:

(i) Completion of the initial 12 months of a 30-month driving-under-the-influence program licensed pursuant to Section 11836 of the Health and Safety Code, if available in the county of the person's residence or employment, ~~and the person agrees, as a condition of the restriction, to continue satisfactory participation in the 30-month driving-under-the-influence program.~~ *employment.*

(ii) Completion of the initial 12 months of an 18-month driving-under-the-influence program licensed pursuant to Section 11836 of the Health and Safety Code, if a 30-month program is unavailable in the person's county of residence or employment.

(B) *The person agrees, as a condition of the restriction, to continue satisfactory participation in the program described in subparagraph (A).*

~~(B)~~

1 (C) The person submits the “Verification of Installation” form
2 described in paragraph (2) of subdivision (g) of Section 13386.

3 ~~(C)~~

4 (D) The person agrees to maintain the ignition interlock device
5 as required under subdivision (g) of Section 23575.

6 ~~(D)~~

7 (E) The person provides proof of financial responsibility, as
8 defined in Section 16430.

9 ~~(E)~~

10 (F) An individual convicted of a violation of Section 23153
11 punishable under Section 23566 may also, at any time after
12 sentencing, petition the court for referral to an 18-month
13 driving-under-the-influence program licensed pursuant to Section
14 11836 of the Health and Safety Code, or, if available in the county
15 of the person’s residence or employment, a 30-month
16 driving-under-the-influence program licensed pursuant to Section
17 11836 of the Health and Safety Code. Unless good cause is shown,
18 the court shall order the referral.

19 ~~(F)~~

20 (G) The person pays all applicable reinstatement or reissue fees
21 and any restriction fee required by the department.

22 ~~(G)~~

23 (H) The restriction shall remain in effect for the period required
24 in subdivision (f) of Section 23575.

25 (7) Except as provided in this paragraph, upon a conviction or
26 finding of a violation of Section 23152 punishable under Section
27 23550 or 23550.5, or of a violation of Section 23153 punishable
28 under Section 23550.5, the privilege shall be revoked for a period
29 of four years. The privilege shall not be reinstated until the person
30 files proof of financial responsibility and gives proof satisfactory
31 to the department of successful completion of an 18-month
32 driving-under-the-influence program licensed pursuant to Section
33 11836 of the Health and Safety Code, *if a 30-month program is*
34 *unavailable in the person’s county of residence or employment,*
35 or, if available in the county of the person’s residence or
36 employment, a 30-month driving-under-the-influence program
37 licensed pursuant to Section 11836 of the Health and Safety Code,
38 or a program specified in Section 8001 of the Penal Code. For the
39 purposes of this paragraph, enrollment in, participation in, and
40 completion of an approved program shall ~~be~~ *occur* subsequent to

1 the date of the current violation. Credit shall not be given to any
2 program activities completed prior to the date of the current
3 violation. The department shall advise the person that after
4 completion of 12 months of the revocation period, which may
5 include credit for a suspension period served under subdivision
6 (c) of Section 13353.3, ~~the person~~ *he or she* may apply to the
7 department for a restricted driver's license, ~~subject to the following~~
8 ~~conditions:~~ *license if the person meets all of the following*
9 *requirements:*

10 (A) ~~The person has satisfactorily completed,~~ *satisfactorily*
11 *provides*, subsequent to the violation date of the current underlying
12 conviction, either of the following:

13 (i) The initial 12 months of an 18-month
14 driving-under-the-influence program licensed pursuant to Section
15 11836 of the Health and Safety Code, *if a 30-month program is*
16 *unavailable in the person's county of residence or employment.*

17 (ii) The initial 12 months of a 30-month
18 driving-under-the-influence program licensed pursuant to Section
19 11836 of the Health and Safety Code, if available in the county of
20 the person's residence or employment, ~~and the person agrees, as~~
21 ~~a condition of the restriction, to continue satisfactory participation~~
22 ~~in the 30-month driving-under-the-influence program.~~ *employment.*

23 (B) *The person agrees, as a condition of the restriction, to*
24 *continue satisfactory participation in the program described in*
25 *subparagraph (A).*

26 ~~(B)~~

27 (C) The person submits the "Verification of Installation" form
28 described in paragraph (2) of subdivision (g) of Section 13386.

29 ~~(C)~~

30 (D) The person agrees to maintain the ignition interlock device
31 as required under subdivision (g) of Section 23575.

32 ~~(D)~~

33 (E) The person provides proof of financial responsibility, as
34 defined in Section 16430.

35 ~~(E)~~

36 (F) An individual convicted of a violation of Section 23152
37 punishable under Section 23550 may also, at any time after
38 sentencing, petition the court for referral to an 18-month
39 driving-under-the-influence program licensed pursuant to Section
40 11836 of the Health and Safety Code, or, if available in the county

1 of the person's residence or employment, a 30-month
2 driving-under-the-influence program licensed pursuant to Section
3 11836 of the Health and Safety Code. Unless good cause is shown,
4 the court shall order the referral.

5 ~~(F)~~

6 (G) The person pays all applicable reinstatement or reissue fees
7 and any restriction fee required by the department.

8 ~~(G)~~

9 (H) The restriction shall remain in effect for the period required
10 in subdivision (f) of Section 23575.

11 (8) Upon a conviction or finding of a violation of subdivision
12 (a) of Section 23109 that is punishable under subdivision (e) of
13 that section or Section 23109.1, the privilege shall be suspended
14 for a period of 90 days to six months, if ordered by the court. The
15 privilege shall not be reinstated until the person gives proof of
16 financial responsibility, as defined in Section 16430.

17 (9) Upon a conviction or finding of a violation of subdivision
18 (a) of Section 23109 that is punishable under subdivision (f) of
19 that section, the privilege shall be suspended for a period of six
20 months, if ordered by the court. The privilege shall not be reinstated
21 until the person gives proof of financial responsibility, as defined
22 in Section 16430.

23 (b) For the purpose of paragraphs (2) to (9), inclusive, of
24 subdivision (a), the finding of the juvenile court judge, the juvenile
25 hearing officer, or the referee of a juvenile court of a commission
26 of a violation of Section 23152 or ~~23153~~ or 23153, subdivision (a)
27 of Section ~~23109~~ 23109, or Section 23109.1, as specified in
28 subdivision (a) of this section, is a conviction.

29 (c) A judge of a juvenile court, juvenile hearing officer, or
30 referee of a juvenile court shall immediately report the findings
31 specified in subdivision (a) to the department.

32 (d) A conviction of an offense in a state, territory, or possession
33 of the United States, the District of Columbia, the Commonwealth
34 of Puerto Rico, or Canada that, if committed in this state, would
35 be a violation of Section 23152, is a conviction of Section 23152
36 for the purposes of this section, and a conviction of an offense
37 that, if committed in this state, would be a violation of Section
38 23153, is a conviction of Section 23153 for the purposes of this
39 section. The department shall suspend or revoke the privilege to

1 operate a motor vehicle pursuant to this section upon receiving
2 notice of that conviction.

3 (e) For the purposes of the restriction conditions specified in
4 paragraphs (3) to (7), inclusive, of subdivision (a), department
5 shall terminate the restriction imposed pursuant to this section and
6 shall suspend or revoke the person's driving privilege upon receipt
7 of notification from the driving-under-the-influence program that
8 the person has failed to comply with the program requirements.
9 The person's driving privilege shall remain suspended or revoked
10 for the remaining period of the original suspension or revocation
11 imposed under this section and until all reinstatement requirements
12 described in this section are met.

13 (f) For the purposes of this section, completion of a program is
14 the following:

15 (1) Satisfactory completion of all program requirements
16 approved pursuant to program licensure, as evidenced by a
17 certificate of completion issued, under penalty of perjury, by the
18 licensed program.

19 (2) Certification, under penalty of perjury, by the director of a
20 program specified in Section 8001 of the Penal Code, that the
21 person has completed a program specified in Section 8001 of the
22 Penal Code.

23 (g) The holder of a commercial driver's license who was
24 operating a commercial motor vehicle, as defined in Section 15210,
25 at the time of a violation that resulted in a suspension or revocation
26 of the person's noncommercial driving privilege under this section
27 is not eligible for the restricted driver's license authorized under
28 paragraphs (3) to (7), inclusive, of subdivision (a).

29 (h) *This section shall become inoperative on July 1, 2016, and,*
30 *as of January 1, 2017, is repealed, unless a later enacted statute,*
31 *that becomes operative on or before January 1, 2017, deletes or*
32 *extends the dates on which it becomes inoperative and is repealed.*

33 SEC. 2. Section 13352 is added to the Vehicle Code, to read:

34 13352. (a) The department shall immediately suspend or
35 revoke the privilege of a person to operate a motor vehicle upon
36 the receipt of an abstract of the record of a court showing that the
37 person has been convicted of a violation of Section 23152 or 23153,
38 subdivision (a) of Section 23109, or Section 23109.1, or upon the
39 receipt of a report of a judge of the juvenile court, a juvenile traffic
40 hearing officer, or a referee of a juvenile court showing that the

1 person has been found to have committed a violation of Section
2 23152 or 23153, subdivision (a) of Section 23109, or Section
3 23109.1. If an offense specified in this section occurs in a vehicle
4 defined in Section 15210, the suspension or revocation specified
5 in this subdivision applies also to the noncommercial driving
6 privilege. The commercial driving privilege shall be disqualified
7 as specified in Sections 15300 to 15302, inclusive. For the purposes
8 of this section, suspension or revocation shall be as follows:

9 (1) Except as required under Section 13352.1 or 13352.4, upon
10 a conviction or finding of a violation of Section 23152 punishable
11 under Section 23536, the privilege shall be suspended for a period
12 of six months. The privilege shall not be reinstated until the person
13 gives proof of financial responsibility and gives proof satisfactory
14 to the department of successful completion of a
15 driving-under-the-influence program licensed pursuant to Section
16 11836 of the Health and Safety Code described in subdivision (b)
17 of Section 23538. If the court, as authorized under paragraph (3)
18 of subdivision (b) of Section 23646, elects to order a person to
19 enroll in, participate in, and complete either program described in
20 subdivision (b) of Section 23542, the department shall require that
21 program in lieu of the program described in subdivision (b) of
22 Section 23538. For the purposes of this paragraph, enrollment in,
23 participation in, and completion of an approved program shall
24 occur subsequent to the date of the current violation. Credit shall
25 not be given to any program activities completed prior to the date
26 of the current violation.

27 (2) Upon a conviction or finding of a violation of Section 23153
28 punishable under Section 23554, the privilege shall be suspended
29 for a period of one year. The privilege shall not be reinstated until
30 the person gives proof of financial responsibility and gives proof
31 satisfactory to the department of successful completion of a
32 driving-under-the-influence program licensed pursuant to Section
33 11836 of the Health and Safety Code as described in subdivision
34 (b) of Section 23556. If the court, as authorized under paragraph
35 (3) of subdivision (b) of Section 23646, elects to order a person
36 to enroll in, participate in, and complete either program described
37 in subdivision (b) of Section 23542, the department shall require
38 that program in lieu of the program described in Section 23556.
39 For the purposes of this paragraph, enrollment in, participation in,
40 and completion of an approved program shall occur subsequent

1 to the date of the current violation. Credit shall not be given to any
2 program activities completed prior to the date of the current
3 violation. The department shall advise the person that he or she
4 may apply to the department for a restricted driver's license if the
5 person meets all of the following requirements:

6 (A) The person satisfactorily provides, subsequent to the
7 violation date of the current underlying conviction, either of the
8 following:

9 (i) Proof of enrollment in a driving-under-the-influence program
10 licensed pursuant to Section 11836 of the Health and Safety Code,
11 as described in subdivision (b) of Section 23556.

12 (ii) Proof of enrollment in a program described in subdivision
13 (b) of Section 23542, if the court has ordered the person to enroll
14 in, participate in, and complete either program described in that
15 section, in which case the person shall not be required to provide
16 the proof described in clause (i).

17 (B) The person agrees, as a condition of the restriction, to
18 continue satisfactory participation in the program described in
19 subparagraph (A).

20 (C) The person complies with subdivision (d) of Section
21 23575.3, if applicable.

22 (D) The person agrees to maintain the ignition interlock device
23 as required under Section 23575.3, if applicable.

24 (E) The person provides proof of financial responsibility, as
25 defined in Section 16430.

26 (F) The person pays all reissue fees and any restriction fee
27 required by the department.

28 (G) The person pays to the department a fee sufficient to cover
29 the costs of administration of this paragraph, as determined by the
30 department.

31 (H) The restriction shall remain in effect for the period required
32 in subdivision (e).

33 (3) Except as provided in Section 13352.5, upon a conviction
34 or finding of a violation of Section 23152 punishable under Section
35 23540, the privilege shall be suspended for two years. The privilege
36 shall not be reinstated until the person gives proof of financial
37 responsibility and gives proof satisfactory to the department of
38 successful completion of a driving-under-the-influence program
39 licensed pursuant to Section 11836 of the Health and Safety Code
40 as described in subdivision (b) of Section 23542. For the purposes

1 of this paragraph, enrollment in, participation in, and completion
2 of an approved program shall occur subsequent to the date of the
3 current violation. Credit shall not be given to any program activities
4 completed prior to the date of the current violation. The department
5 shall advise the person that he or she may apply to the department
6 for a restricted driver's license if the person meets all of the
7 following requirements:

8 (A) The person satisfactorily provides, subsequent to the
9 violation date of the current underlying conviction, either of the
10 following:

11 (i) Proof of enrollment in an 18-month
12 driving-under-the-influence program licensed pursuant to Section
13 11836 of the Health and Safety Code if a 30-month program is
14 unavailable in the person's county of residence or employment.

15 (ii) Proof of enrollment in a 30-month
16 driving-under-the-influence program licensed pursuant to Section
17 11836 of the Health and Safety Code, if available in the county of
18 the person's residence or employment.

19 (B) The person agrees, as a condition of the restriction, to
20 continue satisfactory participation in the program described in
21 subparagraph (A).

22 (C) The person complies with subdivision (d) of Section
23 23575.3, if applicable.

24 (D) The person agrees to maintain the ignition interlock device
25 as required under Section 23575.3, if applicable.

26 (E) The person provides proof of financial responsibility, as
27 defined in Section 16430.

28 (F) The person pays all reissue fees and any restriction fee
29 required by the department.

30 (G) The person pays to the department a fee sufficient to cover
31 the costs of administration of this paragraph, as determined by the
32 department.

33 (H) The restriction shall remain in effect for the period required
34 in subdivision (e).

35 (4) Except as provided in this paragraph, upon a conviction or
36 finding of a violation of Section 23153 punishable under Section
37 23560, the privilege shall be revoked for a period of three years.
38 The privilege may not be reinstated until the person gives proof
39 of financial responsibility, and the person gives proof satisfactory
40 to the department of successful completion of a

1 driving-under-the-influence program licensed pursuant to Section
2 11836 of the Health and Safety Code, as described in paragraph
3 (4) of subdivision (b) of Section 23562 of this code. For the
4 purposes of this paragraph, enrollment in, participation in, and
5 completion of an approved program shall occur subsequent to the
6 date of the current violation. Credit shall not be given to any
7 program activities completed prior to the date of the current
8 violation. The department shall advise the person that he or she
9 may apply to the department for a restricted driver's license if the
10 person meets all of the following requirements:

11 (A) The person satisfactorily provides, subsequent to the
12 violation date of the current underlying conviction, either of the
13 following:

14 (i) Proof of enrollment in an 18-month
15 driving-under-the-influence program licensed pursuant to Section
16 11836 of the Health and Safety Code if a 30-month program is
17 unavailable in the person's county of residence or employment.

18 (ii) Proof of enrollment in a 30-month
19 driving-under-the-influence program licensed pursuant to Section
20 11836 of the Health and Safety Code, if available in the county of
21 the person's residence or employment.

22 (B) The person agrees, as a condition of the restriction, to
23 continue satisfactory participation in the program described in
24 subparagraph (A).

25 (C) The person complies with subdivision (d) of Section
26 23575.3, if applicable.

27 (D) The person agrees to maintain the ignition interlock device
28 as required under Section 23575.3, if applicable.

29 (E) The person provides proof of financial responsibility, as
30 defined in Section 16430.

31 (F) The person pays all applicable reinstatement or reissue fees
32 and any restriction fee required by the department.

33 (G) The restriction shall remain in effect for the period required
34 in subdivision (e).

35 (5) Except as provided in this paragraph, upon a conviction or
36 finding of a violation of Section 23152 punishable under Section
37 23546, the privilege shall be revoked for a period of three years.
38 The privilege shall not be reinstated until the person files proof of
39 financial responsibility and gives proof satisfactory to the
40 department of successful completion of an 18-month

1 driving-under-the-influence program licensed pursuant to Section
2 11836 of the Health and Safety Code, as described in subdivision
3 (b) or (c) of Section 23548 of this code, if a 30-month program is
4 unavailable in the person's county of residence or employment,
5 or, if available in the county of the person's residence or
6 employment, a 30-month driving-under-the-influence program
7 licensed pursuant to Section 11836 of the Health and Safety Code,
8 or a program specified in Section 8001 of the Penal Code. For the
9 purposes of this paragraph, enrollment in, participation in, and
10 completion of an approved program shall occur subsequent to the
11 date of the current violation. Credit shall not be given to any
12 program activities completed prior to the date of the current
13 violation. The department shall advise the person that he or she
14 may apply to the department for a restricted driver's license if the
15 person meets all of the following requirements:

16 (A) The person satisfactorily provides, subsequent to the
17 violation date of the current underlying conviction, either of the
18 following:

19 (i) Proof of enrollment in an 18-month
20 driving-under-the-influence program licensed pursuant to Section
21 11836 of the Health and Safety Code if a 30-month program is
22 unavailable in the person's county of residence or employment.

23 (ii) Proof of enrollment in a 30-month
24 driving-under-the-influence program licensed pursuant to Section
25 11836 of the Health and Safety Code, if available in the county of
26 the person's residence or employment.

27 (B) The person agrees, as a condition of the restriction, to
28 continue satisfactory participation in the program described in
29 subparagraph (A).

30 (C) The person complies with subdivision (d) of Section
31 23575.3, if applicable.

32 (D) The person agrees to maintain the ignition interlock device
33 as required under Section 23575.3, if applicable.

34 (E) The person provides proof of financial responsibility, as
35 defined in Section 16430.

36 (F) An individual convicted of a violation of Section 23152
37 punishable under Section 23546 may also, at any time after
38 sentencing, petition the court for referral to an 18-month
39 driving-under-the-influence program licensed pursuant to Section
40 11836 of the Health and Safety Code, or, if available in the county

1 of the person's residence or employment, a 30-month
2 driving-under-the-influence program licensed pursuant to Section
3 11836 of the Health and Safety Code. Unless good cause is shown,
4 the court shall order the referral.

5 (G) The person pays all applicable reinstatement or reissue fees
6 and any restriction fee required by the department.

7 (H) The person pays to the department a fee sufficient to cover
8 the costs of administration of this paragraph, as determined by the
9 department.

10 (I) The restriction shall remain in effect for the period required
11 in subdivision (e).

12 (6) Except as provided in this paragraph, upon a conviction or
13 finding of a violation of Section 23153 punishable under Section
14 23550.5 or 23566, the privilege shall be revoked for a period of
15 five years. The privilege may not be reinstated until the person
16 gives proof of financial responsibility and gives proof satisfactory
17 to the department of successful completion of a
18 driving-under-the-influence program licensed pursuant to Section
19 11836 of the Health and Safety Code as described in subdivision
20 (b) of Section 23568, or if available in the county of the person's
21 residence or employment, a 30-month driving-under-the-influence
22 program licensed pursuant to Section 11836 of the Health and
23 Safety Code, or a program specified in Section 8001 of the Penal
24 Code. For the purposes of this paragraph, enrollment in,
25 participation in, and completion of an approved program shall be
26 subsequent to the date of the current violation. Credit shall not be
27 given to any program activities completed prior to the date of the
28 current violation. The department shall advise the person that he
29 or she may apply to the department for a restricted driver's license
30 if the person meets all of the following requirements:

31 (A) The person satisfactorily provides, subsequent to the
32 violation date of the current underlying conviction, either of the
33 following:

34 (i) Proof of enrollment in a 30-month
35 driving-under-the-influence program licensed pursuant to Section
36 11836 of the Health and Safety Code, if available in the county of
37 the person's residence or employment.

38 (ii) Proof of enrollment in an 18-month
39 driving-under-the-influence program licensed pursuant to Section

1 11836 of the Health and Safety Code, if a 30-month program is
2 unavailable in the person's county of residence or employment.

3 (B) The person agrees, as a condition of the restriction, to
4 continue satisfactory participation in the program described in
5 subparagraph (A).

6 (C) The person complies with subdivision (d) of Section
7 23575.3, if applicable.

8 (D) The person agrees to maintain the ignition interlock device
9 as required under Section 23575.3, if applicable.

10 (E) The person provides proof of financial responsibility, as
11 defined in Section 16430.

12 (F) An individual convicted of a violation of Section 23153
13 punishable under Section 23566 may also, at any time after
14 sentencing, petition the court for referral to an 18-month
15 driving-under-the-influence program licensed pursuant to Section
16 11836 of the Health and Safety Code, or, if available in the county
17 of the person's residence or employment, a 30-month
18 driving-under-the-influence program licensed pursuant to Section
19 11836 of the Health and Safety Code. Unless good cause is shown,
20 the court shall order the referral.

21 (G) The person pays all applicable reinstatement or reissue fees
22 and any restriction fee required by the department.

23 (H) The restriction shall remain in effect for the period required
24 in subdivision (e).

25 (7) Except as provided in this paragraph, upon a conviction or
26 finding of a violation of Section 23152 punishable under Section
27 23550 or 23550.5, or of a violation of Section 23153 punishable
28 under Section 23550.5, the privilege shall be revoked for a period
29 of four years. The privilege shall not be reinstated until the person
30 files proof of financial responsibility and gives proof satisfactory
31 to the department of successful completion of an 18-month
32 driving-under-the-influence program licensed pursuant to Section
33 11836 of the Health and Safety Code, if a 30-month program is
34 unavailable in the person's county of residence or employment,
35 or, if available in the county of the person's residence or
36 employment, a 30-month driving-under-the-influence program
37 licensed pursuant to Section 11836 of the Health and Safety Code,
38 or a program specified in Section 8001 of the Penal Code. For the
39 purposes of this paragraph, enrollment in, participation in, and
40 completion of an approved program shall occur subsequent to the

1 date of the current violation. Credit shall not be given to any
2 program activities completed prior to the date of the current
3 violation. The department shall advise the person that he or she
4 may apply to the department for a restricted driver's license if the
5 person meets all of the following requirements:

6 (A) The person satisfactorily provides, subsequent to the
7 violation date of the current underlying conviction, either of the
8 following:

9 (i) Proof of enrollment in an 18-month
10 driving-under-the-influence program licensed pursuant to Section
11 11836 of the Health and Safety Code, if a 30-month program is
12 unavailable in the person's county of residence or employment.

13 (ii) Proof of enrollment in a 30-month
14 driving-under-the-influence program licensed pursuant to Section
15 11836 of the Health and Safety Code, if available in the county of
16 the person's residence or employment.

17 (B) The person agrees, as a condition of the restriction, to
18 continue satisfactory participation in the program described in
19 subparagraph (A).

20 (C) The person complies with subdivision (d) of Section
21 23575.3, if applicable.

22 (D) The person agrees to maintain the ignition interlock device
23 as required under Section 23575.3, if applicable.

24 (E) The person provides proof of financial responsibility, as
25 defined in Section 16430.

26 (F) An individual convicted of a violation of Section 23152
27 punishable under Section 23550 may also, at any time after
28 sentencing, petition the court for referral to an 18-month
29 driving-under-the-influence program licensed pursuant to Section
30 11836 of the Health and Safety Code, or, if available in the county
31 of the person's residence or employment, a 30-month
32 driving-under-the-influence program licensed pursuant to Section
33 11836 of the Health and Safety Code. Unless good cause is shown,
34 the court shall order the referral.

35 (G) The person pays all applicable reinstatement or reissue fees
36 and any restriction fee required by the department.

37 (H) The restriction shall remain in effect for the period required
38 in subdivision (e).

39 (8) Upon a conviction or finding of a violation of subdivision
40 (a) of Section 23109 that is punishable under subdivision (e) of

1 that section or Section 23109.1, the privilege shall be suspended
2 for a period of 90 days to six months, if ordered by the court. The
3 privilege shall not be reinstated until the person gives proof of
4 financial responsibility, as defined in Section 16430.

5 (9) Upon a conviction or finding of a violation of subdivision
6 (a) of Section 23109 that is punishable under subdivision (f) of
7 that section, the privilege shall be suspended for a period of six
8 months, if ordered by the court. The privilege shall not be reinstated
9 until the person gives proof of financial responsibility, as defined
10 in Section 16430.

11 (b) For the purpose of paragraphs (2) to (9), inclusive, of
12 subdivision (a), the finding of the juvenile court judge, the juvenile
13 hearing officer, or the referee of a juvenile court of a commission
14 of a violation of Section 23152 or 23153, subdivision (a) of Section
15 23109, or Section 23109.1, as specified in subdivision (a) of this
16 section, is a conviction.

17 (c) A judge of a juvenile court, juvenile hearing officer, or
18 referee of a juvenile court shall immediately report the findings
19 specified in subdivision (a) to the department.

20 (d) A conviction of an offense in a state, territory, or possession
21 of the United States, the District of Columbia, the Commonwealth
22 of Puerto Rico, or Canada that, if committed in this state, would
23 be a violation of Section 23152, is a conviction of Section 23152
24 for the purposes of this section, and a conviction of an offense
25 that, if committed in this state, would be a violation of Section
26 23153, is a conviction of Section 23153 for the purposes of this
27 section. The department shall suspend or revoke the privilege to
28 operate a motor vehicle pursuant to this section upon receiving
29 notice of that conviction.

30 (e) (1) Except as specified in paragraph (2) or (3), the restriction
31 conditions specified in paragraphs (2) to (7), inclusive, of
32 subdivision (a) shall remain in effect for at least the remaining
33 period of the original suspension or revocation and until all
34 reinstatement requirements are satisfied.

35 (2) For the purposes of the restriction conditions specified in
36 paragraphs (2) to (7), inclusive, of subdivision (a), the department
37 shall terminate the restriction imposed pursuant to this section and
38 shall suspend or revoke the person's driving privilege upon receipt
39 of notification from the driving-under-the-influence program that
40 the person has failed to comply with the program requirements.

1 The person's driving privilege shall remain suspended or revoked
2 for the remaining period of the original suspension or revocation
3 imposed under this section and until all reinstatement requirements
4 described in this section are met.

5 (3) The department shall immediately terminate the restriction
6 issued pursuant to this section and shall immediately suspend or
7 revoke the privilege to operate a motor vehicle of a person who,
8 with respect to an ignition interlock device installed pursuant to
9 Section 23575.3, attempts to remove, bypass, or tamper with the
10 device, has the device removed prior to the termination date of the
11 restriction, or fails three or more times to comply with any
12 requirement for the maintenance or calibration of the device. The
13 privilege shall remain suspended or revoked for the remaining
14 period of the originating suspension or revocation and until all
15 reinstatement requirements in this section are satisfied.

16 (f) For the purposes of this section, completion of a program is
17 the following:

18 (1) Satisfactory completion of all program requirements
19 approved pursuant to program licensure, as evidenced by a
20 certificate of completion issued, under penalty of perjury, by the
21 licensed program.

22 (2) Certification, under penalty of perjury, by the director of a
23 program specified in Section 8001 of the Penal Code, that the
24 person has completed a program specified in Section 8001 of the
25 Penal Code.

26 (g) The holder of a commercial driver's license who was
27 operating a commercial motor vehicle, as defined in Section 15210,
28 at the time of a violation that resulted in a suspension or revocation
29 of the person's noncommercial driving privilege under this section
30 is not eligible for the restricted driver's license authorized under
31 paragraphs (3) to (7), inclusive, of subdivision (a).

32 (h) The reinstatement of the driving privilege pursuant to this
33 section does not abrogate a person's continuing duty to comply
34 with any restriction imposed pursuant to Section 23575.3.

35 (i) This section shall become operative on July 1, 2016.

36 SEC. 3. Section 13352.4 of the Vehicle Code is amended to
37 read:

38 13352.4. (a) Except as provided in subdivision (h), the
39 department shall issue a restricted driver's license to a person
40 whose driver's license was suspended under paragraph (1) of

subdivision (a) of Section 13352 or Section 13352.1, if the person meets all of the following requirements:

(1) Submits proof satisfactory to the department of ~~enrollment in, or completion of, a driving-under-the-influence program~~ licensed pursuant to Section 11836 of the Health and Safety Code, ~~as described in subdivision (b) of Section 23538.~~ *either of the following, as applicable:*

(A) *Enrollment in a driving-under-the-influence program licensed pursuant to Section 11836 of the Health and Safety Code, as described in subdivision (b) of Section 23538.*

(B) *Enrollment in a program described in subdivision (b) of Section 23542, if the court has ordered the person to enroll in, participate in, and complete either program described in that section, in which case the person shall not be required to provide proof of the enrollment described in subparagraph (A).*

(2) Submits proof of financial responsibility, as defined in Section 16430.

(3) Pays all applicable reinstatement or reissue fees and any restriction fee required by the department.

(b) The restriction of the driving privilege shall become effective when the department receives all of the documents and fees required under subdivision (a) and shall remain in effect until the final day of the original suspension imposed under paragraph (1) of subdivision (a) of Section 13352 or Section 13352.1, or until the date all reinstatement requirements described in Section 13352 or Section 13352.1 have been met, whichever date is later, and may include credit for any suspension period served under subdivision (c) of Section 13353.3.

(c) The restriction of the driving privilege shall be limited to the hours necessary for driving to and from the person's place of employment, driving during the course of employment, and driving to and from activities required in the driving-under-the-influence program.

(d) Whenever the driving privilege is restricted under this section, proof of financial responsibility, as defined in Section 16430, shall be maintained for three years. If the person does not maintain that proof of financial responsibility at any time during the restriction, the driving privilege shall be suspended until the proof required under Section 16484 is received by the department.

1 (e) For the purposes of this section, enrollment, participation,
2 and completion of an approved program shall be subsequent to the
3 date of the current violation. Credit may not be given to a program
4 activity completed prior to the date of the current violation.

5 (f) The department shall terminate the restriction issued under
6 this section and shall suspend the privilege to operate a motor
7 vehicle pursuant to paragraph (1) of subdivision (a) of Section
8 13352 or Section 13352.1 immediately upon receipt of notification
9 from the driving-under-the-influence program that the person has
10 failed to comply with the program requirements. The privilege
11 shall remain suspended until the final day of the original suspension
12 imposed under paragraph (1) of subdivision (a) of Section 13352
13 or Section 13352.1, or until the date all reinstatement requirements
14 described in Section 13352 or Section 13352.1 have been met,
15 whichever date is later.

16 (g) The holder of a commercial driver's license who was
17 operating a commercial motor vehicle, as defined in Section 15210,
18 at the time of a violation that resulted in a suspension or revocation
19 of the person's noncommercial driving privilege under paragraph
20 (1) of subdivision (a) of Section 13352 or Section 13352.1 is not
21 eligible for the restricted driver's license authorized under this
22 section.

23 (h) If, upon conviction, the court has made the determination,
24 as authorized under subdivision (d) of Section 23536 or paragraph
25 (3) of subdivision (a) of Section 23538, to disallow the issuance
26 of a restricted driver's license, the department may not issue a
27 restricted driver's license under this section.

28 (i) *This section shall become inoperative on July 1, 2016, and,*
29 *as of January 1, 2017, is repealed, unless a later enacted statute,*
30 *that becomes operative on or before January 1, 2017, deletes or*
31 *extends the dates on which it becomes inoperative and is repealed.*

32 SEC. 4. Section 13352.4 is added to the Vehicle Code, to read:

33 13352.4. (a) Except as provided in subdivision (h), the
34 department shall issue a restricted driver's license to a person
35 whose driver's license was suspended under paragraph (1) of
36 subdivision (a) of Section 13352 or Section 13352.1, if the person
37 meets all of the following requirements:

38 (1) Submits proof satisfactory to the department of either of the
39 following:

1 (A) Enrollment in a driving-under-the-influence program
2 licensed pursuant to Section 11836 of the Health and Safety Code,
3 as described in subdivision (b) of Section 23538.

4 (B) Enrollment in a program described in subdivision (b) of
5 Section 23542, if the court has ordered the person to enroll in,
6 participate in, and complete either program described in that
7 section, in which case the person shall not be required to provide
8 proof of the enrollment described in subparagraph (A).

9 (2) Complies with subdivision (d) of Section 23575.3, if
10 applicable.

11 (3) Agrees to maintain the ignition interlock device as required
12 under Section 23575.3, if applicable.

13 (4) Submits proof of financial responsibility, as defined in
14 Section 16430.

15 (5) Pays all applicable reinstatement or reissue fees and any
16 restriction fee required by the department.

17 (b) The restriction of the driving privilege shall become effective
18 when the department receives all of the documents and fees
19 required under subdivision (a) and shall remain in effect until the
20 final day of the original suspension imposed under paragraph (1)
21 of subdivision (a) of Section 13352 or Section 13352.1, or until
22 the date all reinstatement requirements described in Section 13352
23 or Section 13352.1 have been met, whichever date is later, and
24 may include credit for any suspension period served under
25 subdivision (c) of Section 13353.3.

26 (c) The restriction of the driving privilege shall be limited to
27 the hours necessary for driving to and from the person's place of
28 employment, driving during the course of employment, and driving
29 to and from activities required in the driving-under-the-influence
30 program.

31 (d) Whenever the driving privilege is restricted under this
32 section, proof of financial responsibility, as defined in Section
33 16430, shall be maintained for three years. If the person does not
34 maintain that proof of financial responsibility at any time during
35 the restriction, the driving privilege shall be suspended until the
36 proof required under Section 16484 is received by the department.

37 (e) For the purposes of this section, enrollment, participation,
38 and completion of an approved program shall be subsequent to the
39 date of the current violation. Credit may not be given to a program
40 activity completed prior to the date of the current violation.

(f) (1) The department shall terminate the restriction issued under this section and shall suspend the privilege to operate a motor vehicle pursuant to paragraph (1) of subdivision (a) of Section 13352 or Section 13352.1 immediately upon receipt of notification from the driving-under-the-influence program that the person has failed to comply with the program requirements. The privilege shall remain suspended until the final day of the original suspension imposed under paragraph (1) of subdivision (a) of Section 13352 or Section 13352.1, or until the date all reinstatement requirements described in Section 13352 or Section 13352.1 have been met, whichever date is later.

(2) The department shall immediately terminate the restriction issued pursuant to this section and shall immediately suspend or revoke the privilege to operate a motor vehicle of a person who, with respect to an ignition interlock device installed pursuant to Section 23575.3, attempts to remove, bypass, or tamper with the device, has the device removed prior to the termination date of the restriction, or fails three or more times to comply with any requirement for the maintenance or calibration of the device. The privilege shall remain suspended or revoked for the remaining period of the originating suspension or revocation and until all reinstatement requirements in this section are satisfied.

(g) The holder of a commercial driver's license who was operating a commercial motor vehicle, as defined in Section 15210, at the time of a violation that resulted in a suspension or revocation of the person's noncommercial driving privilege under paragraph (1) of subdivision (a) of Section 13352 or Section 13352.1 is not eligible for the restricted driver's license authorized under this section.

(h) If, upon conviction, the court has made the determination, as authorized under subdivision (d) of Section 23536 or paragraph (3) of subdivision (a) of Section 23538, to disallow the issuance of a restricted driver's license, the department may not issue a restricted driver's license under this section.

(i) This section shall become operative on July 1, 2016.

SEC. 5. Section 13353.3 of the Vehicle Code is amended to read:

13353.3. (a) An order of suspension of a person's privilege to operate a motor vehicle pursuant to Section 13353.2 shall become

1 effective 30 days after the person is served with the notice pursuant
2 to Section 13382 or 13388, or subdivision (b) of Section 13353.2.

3 (b) The period of suspension of a person's privilege to operate
4 a motor vehicle under Section 13353.2 is as follows:

5 (1) If the person has not been convicted of a separate violation
6 of Section 23103, as specified in Section 23103.5, or Section
7 23140, 23152, or 23153, or Section 191.5 or subdivision (a) of
8 Section 192.5 of the Penal Code, the person has not been
9 administratively determined to have refused chemical testing
10 pursuant to Section 13353 or 13353.1, or the person has not been
11 administratively determined to have been driving with an excessive
12 concentration of alcohol pursuant to Section 13353.2 on a separate
13 occasion, which offense or occurrence occurred within 10 years
14 of the occasion in question, the person's privilege to operate a
15 motor vehicle shall be suspended for four months.

16 (2) (A) If the person has been convicted of one or more separate
17 violations of Section 23103, as specified in Section 23103.5, or
18 Section 23140, 23152, or 23153, or Section 191.5 or subdivision
19 (a) of Section 192.5 of the Penal Code, the person has been
20 administratively determined to have refused chemical testing
21 pursuant to Section 13353 or 13353.1, or the person has been
22 administratively determined to have been driving with an excessive
23 concentration of alcohol pursuant to Section 13353.2 on a separate
24 occasion, which offense or occasion occurred within 10 years of
25 the occasion in question, the person's privilege to operate a motor
26 vehicle shall be suspended for one year, except as provided in
27 subparagraphs (B) and (C).

28 (B) The one-year suspension pursuant to subparagraph (A) shall
29 terminate if the person has been convicted of a violation arising
30 out of the same occurrence and all of the following conditions are
31 met:

32 (i) The person is eligible for a restricted driver's license pursuant
33 to Section 13352.

34 (ii) The person installs an ignition interlock device as required
35 in Section 13352 for that restricted driver's license.

36 (iii) The person complies with all other applicable conditions
37 of Section 13352 for a restricted driver's license.

38 (C) The one-year suspension pursuant to subparagraph (A) shall
39 terminate after completion of a 90-day suspension period, and the
40 person shall be eligible for a restricted license if the person has

1 been convicted of a violation of Section 23103, as specified in
2 Section 23103.5, arising out of the same occurrence, has no more
3 than two prior alcohol-related convictions within 10 years, as
4 specified pursuant to subparagraph (A), and all of the following
5 conditions are met:

6 (i) The person satisfactorily provides, subsequent to the
7 underlying violation date, proof satisfactory to the department of
8 enrollment in a nine-month driving-under-the-influence program
9 licensed pursuant to Chapter 9 (commencing with Section 11836)
10 of Part 2 of Division 10.5 of the Health and Safety Code that
11 consists of at least 60 hours of program activities, including
12 education, group counseling, and individual interview sessions.

13 (ii) The person agrees, as a condition of the restriction, to
14 continue satisfactory participation in the program described in
15 clause (i).

16 (iii) The person installs an ignition interlock device and submits
17 the “Verification of Installation” form described in paragraph (2)
18 of subdivision ~~(h)~~ (g) of Section 13386.

19 (iv) The person agrees to maintain the ignition interlock device
20 as required pursuant to subdivision (g) of Section 23575.

21 (v) The person provides proof of financial responsibility, as
22 defined in Section 16430.

23 (vi) The person pays all license fees and any restriction fee
24 required by the department.

25 (vii) The person pays to the department a fee sufficient to cover
26 the costs of administration of this paragraph, as determined by the
27 department.

28 (D) The department shall advise those persons that are eligible
29 under subparagraph (C) that after completion of 90 days of the
30 suspension period, the person may apply to the department for a
31 restricted driver’s license, subject to the conditions set forth in
32 subparagraph (C).

33 (E) The restricted driving privilege shall become effective when
34 the department receives all of the documents and fees required
35 under subparagraph (C) and remain in effect for at least the
36 remaining period of the original suspension and until the person
37 provides satisfactory proof to the department of successful
38 completion of a driving-under-the-influence program licensed
39 pursuant to Section 11836 of the Health and Safety Code. The

1 restricted driving privilege shall be subject to the following
2 conditions:

3 (i) If the driving privilege is restricted under this section, proof
4 of financial responsibility, as described in Section 16430, shall be
5 maintained for three years. If the person does not maintain that
6 proof of financial responsibility at any time during the restriction,
7 the driving privilege shall be suspended until the proof required
8 pursuant to Section 16484 is received by the department.

9 (ii) For the purposes of this section, enrollment, participation,
10 and completion of an approved program shall ~~be~~ *occur* subsequent
11 to the date of the current violation. Credit may not be given to a
12 program activity completed prior to the date of the current
13 violation.

14 (iii) The department shall terminate the restriction issued
15 pursuant to this section and shall suspend the privilege to operate
16 a motor vehicle pursuant to subparagraph (A) immediately upon
17 receipt of notification from the driving-under-the-influence
18 program that the person has failed to comply with the program
19 requirements. The privilege shall remain suspended until the final
20 day of the original suspension imposed pursuant to subparagraph
21 (A).

22 (iv) The department shall terminate the restriction issued
23 pursuant to this section and shall immediately suspend the privilege
24 to operate a motor vehicle pursuant to subparagraph (A)
25 immediately upon receipt of notification from the installer that a
26 person has attempted to remove, bypass, or tamper with the ignition
27 interlock device, has removed the device prior to the termination
28 date of the restriction, or fails three or more times to comply with
29 any requirement for the maintenance or calibration of the ignition
30 interlock device ordered pursuant to this section. The privilege
31 shall remain suspended for the remaining period of the original
32 suspension imposed pursuant to subparagraph (A).

33 (3) Notwithstanding any other law, if a person has been
34 administratively determined to have been driving in violation of
35 Section 23136 or to have refused chemical testing pursuant to
36 Section 13353.1, the period of suspension shall not be for less than
37 one year.

38 (c) If a person's privilege to operate a motor vehicle is
39 suspended pursuant to Section 13353.2 and the person is convicted
40 of a violation of Section 23152 or 23153, including, but not limited

1 to, a violation described in Section 23620, arising out of the same
2 occurrence, both the suspension under Section 13353.2 and the
3 suspension or revocation under Section 13352 shall be imposed,
4 except that the periods of suspension or revocation shall run
5 concurrently, and the total period of suspension or revocation shall
6 not exceed the longer of the two suspension or revocation periods.

7 (d) For the purposes of this section, a conviction of an offense
8 in any state, territory, or possession of the United States, the
9 District of Columbia, the Commonwealth of Puerto Rico, or the
10 Dominion of Canada that, if committed in this state, would be a
11 violation of Section 23103, as specified in Section 23103.5, or
12 Section 23140, 23152, or 23153, or Section 191.5 or subdivision
13 (a) of Section 192.5 of the Penal Code, is a conviction of that
14 particular section of the Vehicle Code or Penal Code.

15 (e) The holder of a commercial driver's license who was
16 operating a commercial motor vehicle, as defined in Section 15210,
17 at the time of a violation that resulted in a suspension or revocation
18 of the person's noncommercial driving privilege is not eligible for
19 the restricted driver's license authorized pursuant to this section.

20 (f) *This section shall become inoperative on July 1, 2016, and,*
21 *as of January 1, 2017, is repealed, unless a later enacted statute,*
22 *that becomes operative on or before January 1, 2017, deletes or*
23 *extends the dates on which it becomes inoperative and is repealed.*

24 SEC. 6. Section 13353.3 is added to the Vehicle Code, to read:

25 13353.3. (a) An order of suspension of a person's privilege to
26 operate a motor vehicle pursuant to Section 13353.2 shall become
27 effective 30 days after the person is served with the notice pursuant
28 to Section 13382 or 13388, or subdivision (b) of Section 13353.2.

29 (b) The period of suspension of a person's privilege to operate
30 a motor vehicle under Section 13353.2 is as follows:

31 (1) If the person has not been convicted of a separate violation
32 of Section 23103, as specified in Section 23103.5, or Section
33 23140, 23152, or 23153, or Section 191.5 or subdivision (a) of
34 Section 192.5 of the Penal Code, the person has not been
35 administratively determined to have refused chemical testing
36 pursuant to Section 13353 or 13353.1, or the person has not been
37 administratively determined to have been driving with an excessive
38 concentration of alcohol pursuant to Section 13353.2 on a separate
39 occasion, which offense or occurrence occurred within 10 years

1 of the occasion in question, the person's privilege to operate a
2 motor vehicle shall be suspended for four months.

3 (2) (A) If the person has been convicted of one or more separate
4 violations of Section 23103, as specified in Section 23103.5, or
5 Section 23140, 23152, or 23153, or Section 191.5 or subdivision
6 (a) of Section 192.5 of the Penal Code, the person has been
7 administratively determined to have refused chemical testing
8 pursuant to Section 13353 or 13353.1, or the person has been
9 administratively determined to have been driving with an excessive
10 concentration of alcohol pursuant to Section 13353.2 on a separate
11 occasion, which offense or occasion occurred within 10 years of
12 the occasion in question, the person's privilege to operate a motor
13 vehicle shall be suspended for one year, except as provided in
14 subparagraphs (B) and (C).

15 (B) The one-year suspension pursuant to subparagraph (A) shall
16 terminate if the person has been convicted of a violation arising
17 out of the same occurrence and all of the following conditions are
18 met:

19 (i) The person is eligible for a restricted driver's license pursuant
20 to Section 13352.

21 (ii) The person installs an ignition interlock device as required
22 in Section 13352 for that restricted driver's license.

23 (iii) The person complies with all other applicable conditions
24 of Section 13352 for a restricted driver's license.

25 (C) The one-year suspension pursuant to subparagraph (A) shall
26 terminate after completion of a 90-day suspension period, and the
27 person shall be eligible for a restricted license if the person has
28 been convicted of a violation of Section 23103, as specified in
29 Section 23103.5, arising out of the same occurrence, has no more
30 than two prior alcohol-related convictions within 10 years, as
31 specified pursuant to subparagraph (A), and all of the following
32 conditions are met:

33 (i) The person satisfactorily provides, subsequent to the
34 underlying violation date, proof satisfactory to the department of
35 enrollment in a nine-month driving-under-the-influence program
36 licensed pursuant to Chapter 9 (commencing with Section 11836)
37 of Part 2 of Division 10.5 of the Health and Safety Code that
38 consists of at least 60 hours of program activities, including
39 education, group counseling, and individual interview sessions.

1 (ii) The person agrees, as a condition of the restriction, to
2 continue satisfactory participation in the program described in
3 clause (i).

4 (iii) The person installs an ignition interlock device and submits
5 the “Verification of Installation” form described in paragraph (2)
6 of subdivision (g) of Section 13386.

7 (iv) The person agrees to maintain the ignition interlock device
8 as required under Section 23575.3.

9 (v) The person provides proof of financial responsibility, as
10 defined in Section 16430.

11 (vi) The person pays all license fees and any restriction fee
12 required by the department.

13 (vii) The person pays to the department a fee sufficient to cover
14 the costs of administration of this paragraph, as determined by the
15 department.

16 (D) The department shall advise those persons that are eligible
17 under subparagraph (C) that after completion of 90 days of the
18 suspension period, the person may apply to the department for a
19 restricted driver’s license, subject to the conditions set forth in
20 subparagraph (C).

21 (E) The restricted driving privilege shall become effective when
22 the department receives all of the documents and fees required
23 under subparagraph (C) and remain in effect for at least the
24 remaining period of the original suspension and until the person
25 provides satisfactory proof to the department of successful
26 completion of a driving-under-the-influence program licensed
27 pursuant to Section 11836 of the Health and Safety Code. The
28 restricted driving privilege shall be subject to the following
29 conditions:

30 (i) If the driving privilege is restricted under this section, proof
31 of financial responsibility, as described in Section 16430, shall be
32 maintained for three years. If the person does not maintain that
33 proof of financial responsibility at any time during the restriction,
34 the driving privilege shall be suspended until the proof required
35 pursuant to Section 16484 is received by the department.

36 (ii) For the purposes of this section, enrollment, participation,
37 and completion of an approved program shall occur subsequent
38 to the date of the current violation. Credit may not be given to a
39 program activity completed prior to the date of the current
40 violation.

(iii) The department shall terminate the restriction issued pursuant to this section and shall suspend the privilege to operate a motor vehicle pursuant to subparagraph (A) immediately upon receipt of notification from the driving-under-the-influence program that the person has failed to comply with the program requirements. The privilege shall remain suspended until the final day of the original suspension imposed pursuant to subparagraph (A).

(iv) The department shall terminate the restriction issued pursuant to this section and shall immediately suspend the privilege to operate a motor vehicle pursuant to subparagraph (A) immediately upon receipt of notification from the installer that a person has attempted to remove, bypass, or tamper with the ignition interlock device, has removed the device prior to the termination date of the restriction, or fails three or more times to comply with any requirement for the maintenance or calibration of the ignition interlock device ordered pursuant to this section. The privilege shall remain suspended for the remaining period of the original suspension imposed pursuant to subparagraph (A).

(3) Notwithstanding any other law, if a person has been administratively determined to have been driving in violation of Section 23136 or to have refused chemical testing pursuant to Section 13353.1, the period of suspension shall not be for less than one year.

(c) If a person's privilege to operate a motor vehicle is suspended pursuant to Section 13353.2 and the person is convicted of a violation of Section 23152 or 23153, including, but not limited to, a violation described in Section 23620, arising out of the same occurrence, both the suspension under Section 13353.2 and the suspension or revocation under Section 13352 shall be imposed, except that the periods of suspension or revocation shall run concurrently, and the total period of suspension or revocation shall not exceed the longer of the two suspension or revocation periods.

(d) For the purposes of this section, a conviction of an offense in any state, territory, or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or the Dominion of Canada that, if committed in this state, would be a violation of Section 23103, as specified in Section 23103.5, or Section 23140, 23152, or 23153, or Section 191.5 or subdivision

1 (a) of Section 192.5 of the Penal Code, is a conviction of that
2 particular section of the Vehicle Code or Penal Code.

3 (e) The holder of a commercial driver's license who was
4 operating a commercial motor vehicle, as defined in Section 15210,
5 at the time of a violation that resulted in a suspension or revocation
6 of the person's noncommercial driving privilege is not eligible for
7 the restricted driver's license authorized pursuant to this section.

8 (f) This section shall become operative on July 1, 2016.

9 SEC. 7. Section 13353.4 of the Vehicle Code is amended to
10 read:

11 13353.4. (a) Except as provided in Section 13353.3, 13353.7,
12 or 13353.8, the driving privilege shall not be restored, and a
13 restricted or hardship permit to operate a motor vehicle shall not
14 be issued, to a person during the suspension or revocation period
15 specified in Section 13353, 13353.1, or 13353.3.

16 (b) The privilege to operate a motor vehicle shall not be restored
17 after a suspension or revocation pursuant to Section 13352, 13353,
18 13353.1, or 13353.2 until all applicable fees, including the fees
19 prescribed in Section 14905, have been paid and the person gives
20 proof of financial responsibility, as defined in Section 16430, to
21 the department.

22 (c) *This section shall become inoperative on July 1, 2016, and,*
23 *as of January 1, 2017, is repealed, unless a later enacted statute,*
24 *that becomes operative on or before January 1, 2017, deletes or*
25 *extends the dates on which it becomes inoperative and is repealed.*

26 SEC. 8. Section 13353.4 is added to the Vehicle Code, to read:

27 13353.4. (a) Except as provided in Section 13353.3, 13353.6,
28 13353.7, or 13353.8, the driving privilege shall not be restored,
29 and a restricted or hardship permit to operate a motor vehicle shall
30 not be issued, to a person during the suspension or revocation
31 period specified in Section 13353, 13353.1, or 13353.3.

32 (b) The privilege to operate a motor vehicle shall not be restored
33 after a suspension or revocation pursuant to Section 13352, 13353,
34 13353.1, or 13353.2 until all applicable fees, including the fees
35 prescribed in Section 14905, have been paid and the person gives
36 proof of financial responsibility, as defined in Section 16430, to
37 the department.

38 (c) This section shall become operative on July 1, 2016.

39 SEC. 9. Section 13353.5 of the Vehicle Code is amended to
40 read:

1 13353.5. (a) If a person whose driving privilege is suspended
2 or revoked under Section 13352, former Section 13352.4, Section
3 13352.4, *Section* 13352.6, paragraph (1) of subdivision (g) of
4 Section 23247, or paragraph (2) of subdivision (f) of Section 23575
5 is a resident of another state at the time the mandatory period of
6 suspension or revocation expires, the department may terminate
7 the suspension or revocation, upon written application of the
8 person, for the purpose of allowing the person to apply for a license
9 in his or her state of residence. The application shall include, but
10 need not be limited to, evidence satisfactory to the department that
11 the applicant now resides in another state.

12 (b) If the person submits an application for a California driver's
13 license within three years after the date of the action to terminate
14 suspension or revocation pursuant to subdivision (a), a license
15 shall not be issued until evidence satisfactory to the department
16 establishes that the person is qualified for reinstatement and no
17 grounds exist including, but not limited to, one or more subsequent
18 convictions for driving under the influence of alcohol or other
19 drugs that would support a refusal to issue a license. The
20 department may waive the three-year requirement if the person
21 provides the department with proof of financial responsibility, as
22 defined in Section 16430, and proof satisfactory to the department
23 of successful completion of a driving-under-the-influence program
24 described in Section 13352, and the driving-under-the-influence
25 program is of the length required under paragraphs (1) to (7),
26 inclusive, of subdivision (a) of Section 13352.

27 (c) For the purposes of this section, "state" includes a foreign
28 province or country.

29 ~~(d) This section shall become operative on September 20, 2005.~~

30 *(d) This section shall become inoperative on July 1, 2016, and,*
31 *as of January 1, 2017, is repealed, unless a later enacted statute,*
32 *that becomes operative on or before January 1, 2017, deletes or*
33 *extends the dates on which it becomes inoperative and is repealed.*

34 SEC. 10. Section 13353.5 is added to the Vehicle Code, to
35 read:

36 13353.5. (a) If a person whose driving privilege is suspended
37 or revoked under Section 13352, former Section 13352.4, Section
38 13352.4, Section 13352.6, paragraph (1) of subdivision (g) of
39 Section 23247, or paragraph (3) of subdivision (e) of Section 13352
40 is a resident of another state at the time the mandatory period of

1 suspension or revocation expires, the department may terminate
2 the suspension or revocation, upon written application of the
3 person, for the purpose of allowing the person to apply for a license
4 in his or her state of residence. The application shall include, but
5 need not be limited to, evidence satisfactory to the department that
6 the applicant now resides in another state.

7 (b) If the person submits an application for a California driver's
8 license within three years after the date of the action to terminate
9 suspension or revocation pursuant to subdivision (a), a license
10 shall not be issued until evidence satisfactory to the department
11 establishes that the person is qualified for reinstatement and no
12 grounds exist including, but not limited to, one or more subsequent
13 convictions for driving under the influence of alcohol or other
14 drugs that would support a refusal to issue a license. The
15 department may waive the three-year requirement if the person
16 provides the department with proof of financial responsibility, as
17 defined in Section 16430, and proof satisfactory to the department
18 of successful completion of a driving-under-the-influence program
19 described in Section 13352, and the driving-under-the-influence
20 program is of the length required under paragraphs (1) to (7),
21 inclusive, of subdivision (a) of Section 13352.

22 (c) For the purposes of this section, "state" includes a foreign
23 province or country.

24 (d) This section shall become operative on July 1, 2016.

25 SEC. 11. Section 13353.6 is added to the Vehicle Code, to
26 read:

27 13353.6. (a) Notwithstanding any other law, a person whose
28 driving privilege has been suspended under Section 13353.2 and
29 who is eligible for a restricted driver's license as provided for in
30 Section 13353.3 or 13353.7 may be eligible for a restricted driver's
31 license without serving any period of the suspension if the person
32 meets all of the eligibility requirements specified in those sections
33 and the person does both of the following:

34 (1) The person installs an ignition interlock device on any
35 vehicle that he or she own or operates and submits the "Verification
36 of Installation" form described in paragraph (2) of subdivision (g)
37 of Section 13386.

38 (2) The person agrees to maintain the ignition interlock device
39 as required under Section 23575.3.

40 (b) This section shall become operative on July 1, 2016.

1 SEC. 12. Section 13386 of the Vehicle Code is amended to
2 read:

3 13386. (a) (1) ~~The Department of Motor Vehicles~~ *department*
4 shall certify or cause to be certified ignition interlock devices
5 required by Article 5 (commencing with Section 23575) of Chapter
6 2 of Division 11.5 and publish a list of approved devices.

7 (2) (A) ~~The Department of Motor Vehicles~~ *department* shall
8 ensure that ignition interlock devices that have been certified
9 according to the requirements of this section continue to meet
10 certification requirements. The department may periodically require
11 manufacturers to indicate in writing whether the devices continue
12 to meet certification requirements.

13 (B) The department may use denial of certification, suspension
14 or revocation of certification, or decertification of an ignition
15 interlock device in another state as an indication that the
16 certification requirements are not met, if either of the following
17 apply:

18 (i) The denial of certification, suspension or revocation of
19 certification, or decertification in another state constitutes a
20 violation by the manufacturer of Article 2.55 (commencing with
21 Section 125.00) of Chapter 1 of Division 1 of Title 13 of the
22 California Code of Regulations.

23 (ii) The denial of certification for an ignition interlock device
24 in another state was due to a failure of an ignition interlock device
25 to meet the standards adopted by the regulation set forth in clause
26 (i), specifically Sections 1 and 2 of the model specification for
27 breath alcohol ignition interlock devices, as published by notice
28 in the Federal Register, Vol. 57, No. 67, Tuesday, April 7, 1992,
29 on pages 11774 to 11787, inclusive.

30 (C) Failure to continue to meet certification requirements shall
31 result in suspension or revocation of certification of ignition
32 interlock devices.

33 (b) (1) A manufacturer shall not furnish an installer, service
34 center, technician, or consumer with technology or information
35 that allows a device to be used in a manner that is contrary to the
36 purpose for which it is certified.

37 (2) Upon a violation of paragraph (1), the department shall
38 suspend or revoke the certification of the ignition interlock device
39 that is the subject of that violation.

1 (c) An installer, service center, or technician shall not tamper
2 with, change, or alter the functionality of the device from its
3 certified criteria.

4 (d) The department shall utilize information from an ~~independent~~
5 ~~laboratory to certify ignition interlock devices on or off the~~
6 ~~premises of the manufacturer or manufacturer's agent, independent,~~
7 ~~accredited (ISO/IEC 17025) laboratory to certify ignition interlock~~
8 ~~devices of the manufacturer or manufacturer's agent,~~ in accordance
9 with the guidelines. The cost of certification shall be borne by the
10 manufacturers of ignition interlock devices. If the certification of
11 a device is suspended or revoked, the manufacturer of the device
12 shall be responsible for, and shall bear the cost of, the removal of
13 the device and the replacement of a certified device of the
14 manufacturer or another manufacturer.

15 (e) No model of ignition interlock device shall be certified unless
16 it meets the accuracy requirements and specifications provided in
17 the guidelines adopted by the National Highway Traffic Safety
18 Administration.

19 (f) All manufacturers of ignition interlock devices that meet the
20 requirements of subdivision (e) and are certified in a manner
21 approved by the ~~Department of Motor Vehicles, department,~~ who
22 intend to market the devices in this state, first shall apply to the
23 ~~Department of Motor Vehicles department~~ on forms provided by
24 that department. The application shall be accompanied by a fee in
25 an amount not to exceed the amount necessary to cover the costs
26 incurred by the department in carrying out this section.

27 ~~(g) A manufacturer and a manufacturer's agent certified by the~~
28 ~~department to provide ignition interlock devices shall provide each~~
29 ~~year to the department information on the number of false positives~~
30 ~~and the time to reset the device. The department shall use this~~
31 ~~information in evaluating the continued certification of an ignition~~
32 ~~interlock device.~~

33 ~~(h)~~

34 (g) The department shall ensure that standard forms and
35 procedures are developed for documenting decisions and
36 compliance and communicating results to relevant agencies. These
37 forms shall include all of the following:

38 (1) An "Option to Install," to be sent by the ~~Department of~~
39 ~~Motor Vehicles department~~ to repeat offenders along with the
40 mandatory order of suspension or revocation. This shall include

1 the alternatives available for early license reinstatement with the
2 installation of an ignition interlock device and shall be
3 accompanied by a toll-free telephone number for each manufacturer
4 of a certified ignition interlock device. Information regarding
5 approved installation locations shall be provided to drivers by
6 manufacturers with ignition interlock devices that have been
7 certified in accordance with this section.

8 (2) A “Verification of Installation” to be returned to the
9 department by the reinstating offender upon application for
10 reinstatement. Copies shall be provided for the manufacturer or
11 the manufacturer’s agent.

12 (3) A “Notice of Noncompliance” and procedures to ensure
13 continued use of the ignition interlock device during the restriction
14 period and to ensure compliance with maintenance requirements.
15 The maintenance period shall be standardized at 60 days to
16 maximize monitoring checks for equipment tampering.

17 (i)

18 (h) Every manufacturer and manufacturer’s agent certified by
19 the department to provide ignition interlock devices shall adopt
20 fee schedules that provide for the payment of the costs of the device
21 by applicants in amounts commensurate with the applicant’s ability
22 to pay.

23 (i) *A person who manufactures, installs, services, or repairs,*
24 *or otherwise deals in ignition interlock devices shall not disclose,*
25 *sell, or transfer to a third party any individually identifiable*
26 *information pertaining to individuals who are required by law to*
27 *install an ignition interlock device on a vehicle that he or she owns*
28 *or operates, except to the extent necessary to confirm or deny that*
29 *an individual has complied with ignition interlock device*
30 *installation and maintenance requirements.*

31 SEC. 13. Section 23247 of the Vehicle Code is amended to
32 read:

33 23247. (a) It is unlawful for a person to knowingly rent, lease,
34 or lend a motor vehicle to another person known to have had his
35 or her driving privilege restricted as provided in Section 13352,
36 23575, or 23700, unless the vehicle is equipped with a functioning,
37 certified ignition interlock device. A person, whose driving
38 privilege is restricted pursuant to Section 13352, 23575, or 23700
39 shall notify any other person who rents, leases, or loans a motor

1 vehicle to him or her of the driving restriction imposed under that
2 section.

3 (b) It is unlawful for any person whose driving privilege is
4 restricted pursuant to Section 13352, 23575, or 23700 to request
5 or solicit any other person to blow into an ignition interlock device
6 or to start a motor vehicle equipped with the device for the purpose
7 of providing the person so restricted with an operable motor
8 vehicle.

9 (c) It is unlawful to blow into an ignition interlock device or to
10 start a motor vehicle equipped with the device for the purpose of
11 providing an operable motor vehicle to a person whose driving
12 privilege is restricted pursuant to Section 13352, 23575, or 23700.

13 (d) It is unlawful to remove, bypass, or tamper with, an ignition
14 interlock device.

15 (e) It is unlawful for any person whose driving privilege is
16 restricted pursuant to Section 13352, 23575, or 23700 to operate
17 any vehicle not equipped with a functioning ignition interlock
18 device.

19 (f) Any person convicted of a violation of this section shall be
20 punished by imprisonment in the county jail for not more than six
21 months or by a fine of not more than five thousand dollars (\$5,000),
22 or by both that fine and imprisonment.

23 (g) (1) If any person whose driving privilege is restricted
24 pursuant to Section 13352 is convicted of a violation of subdivision
25 (e), the court shall notify the Department of Motor Vehicles, which
26 shall immediately terminate the restriction and shall suspend or
27 revoke the person's driving privilege for the remaining period of
28 the originating suspension or revocation and until all reinstatement
29 requirements in Section 13352 are met.

30 (2) If any person who is restricted pursuant to subdivision (a)
31 or (l) of Section 23575 or Section 23700 is convicted of a violation
32 of subdivision (e), the department shall suspend the person's
33 driving privilege for one year from the date of the conviction.

34 (h) Notwithstanding any other ~~provision of~~ law, if a vehicle in
35 which an ignition interlock device has been installed is impounded,
36 the manufacturer or installer of the device shall have the right to
37 remove the device from the vehicle during normal business hours.
38 No charge shall be imposed for the removal of the device nor shall
39 the manufacturer or installer be liable for any removal, towing,
40 impoundment, storage, release, or administrative costs or penalties

1 associated with the impoundment. Upon request, the person seeking
2 to remove the device shall present documentation to justify removal
3 of the device from the vehicle. Any damage to the vehicle resulting
4 from the removal of the device is the responsibility of the person
5 removing it.

6 *(i) This section shall become inoperative on July 1, 2016, and,*
7 *as of January 1, 2017, is repealed, unless a later enacted statute,*
8 *that becomes operative on or before January 1, 2017, deletes or*
9 *extends the dates on which it becomes inoperative and is repealed.*

10 SEC. 14. Section 23247 is added to the Vehicle Code, to read:

11 23247. (a) It is unlawful for a person to knowingly rent, lease,
12 or lend a motor vehicle to another person known to have had his
13 or her driving privilege restricted as provided in Section 13352,
14 13352.4, 23575, 23575.3, or 23700, unless the vehicle is equipped
15 with a functioning, certified ignition interlock device. A person,
16 whose driving privilege is restricted pursuant to Section 13352,
17 13352.4, 23575, 23575.3, or 23700 shall notify any other person
18 who rents, leases, or loans a motor vehicle to him or her of the
19 driving restriction imposed under that section.

20 (b) It is unlawful for any person whose driving privilege is
21 restricted pursuant to Section 13352, 13352.4, 23575, 23575.3, or
22 23700 to request or solicit any other person to blow into an ignition
23 interlock device or to start a motor vehicle equipped with the device
24 for the purpose of providing the person so restricted with an
25 operable motor vehicle.

26 (c) It is unlawful to blow into an ignition interlock device or to
27 start a motor vehicle equipped with the device for the purpose of
28 providing an operable motor vehicle to a person whose driving
29 privilege is restricted pursuant to Section 13352, 13352.4, 23575,
30 23575.3, or 23700.

31 (d) It is unlawful to remove, bypass, or tamper with, an ignition
32 interlock device.

33 (e) It is unlawful for any person whose driving privilege is
34 restricted pursuant to Section 13352, 13352.4, 23575, 23575.3, or
35 23700 to operate any vehicle not equipped with a functioning
36 ignition interlock device.

37 (f) Any person convicted of a violation of this section shall be
38 punished by imprisonment in the county jail for not more than six
39 months or by a fine of not more than five thousand dollars (\$5,000),
40 or by both that fine and imprisonment.

1 (g) (1) If any person whose driving privilege is restricted
2 pursuant to Section 13352 or 13352.4 is convicted of a violation
3 of subdivision (e), the court shall notify the Department of Motor
4 Vehicles, which shall immediately terminate the restriction and
5 shall suspend or revoke the person's driving privilege for the
6 remaining period of the originating suspension or revocation and
7 until all reinstatement requirements in Section 13352 are met.

8 (2) If any person who is restricted pursuant to Section 23575.3,
9 subdivision (a) or (i) of Section 23575, or Section 23700 is
10 convicted of a violation of subdivision (e), the department shall
11 suspend the person's driving privilege for one year from the date
12 of the conviction.

13 (h) Notwithstanding any other law, if a vehicle in which an
14 ignition interlock device has been installed is impounded, the
15 manufacturer or installer of the device shall have the right to
16 remove the device from the vehicle during normal business hours.
17 No charge shall be imposed for the removal of the device nor shall
18 the manufacturer or installer be liable for any removal, towing,
19 impoundment, storage, release, or administrative costs or penalties
20 associated with the impoundment. Upon request, the person seeking
21 to remove the device shall present documentation to justify removal
22 of the device from the vehicle. Any damage to the vehicle resulting
23 from the removal of the device is the responsibility of the person
24 removing it.

25 (i) This section shall become operative on July 1, 2016.

26 SEC. 15. Section 23573 of the Vehicle Code is amended to
27 read:

28 23573. (a) The Department of Motor Vehicles, upon receipt
29 of the court's abstract of conviction for a violation listed in
30 subdivision (j), shall inform the convicted person of the
31 requirements of this section and the term for which the person is
32 required to have a certified ignition interlock device installed. The
33 records of the department shall reflect the mandatory use of the
34 device for the term required and the time when the device is
35 required to be installed pursuant to this code.

36 (b) The department shall advise the person that installation of
37 an ignition interlock device on a vehicle does not allow the person
38 to drive without a valid driver's license.

1 (c) A person who is notified by the department pursuant to
2 subdivision (a) shall, within 30 days of notification, complete all
3 of the following:

4 (1) Arrange for each vehicle owned or operated by the person
5 to be fitted with an ignition interlock device by a certified ignition
6 interlock device provider under Section 13386.

7 (2) Notify the department and provide to the department proof
8 of installation by submitting the “Verification of Installation” form
9 described in paragraph (2) of subdivision (g) of Section 13386.

10 (3) Pay to the department a fee sufficient to cover the costs of
11 administration of this section, including startup costs, as determined
12 by the department.

13 (d) The department shall place a restriction on the driver’s
14 license record of the convicted person that states the driver is
15 restricted to driving only vehicles equipped with a certified ignition
16 interlock device.

17 (e) (1) A person who is notified by the department pursuant to
18 subdivision (a) shall arrange for each vehicle with an ignition
19 interlock device to be serviced by the installer at least once every
20 60 days in order for the installer to recalibrate and monitor the
21 operation of the device.

22 (2) The installer shall notify the department if the device is
23 removed or indicates that the person has attempted to remove,
24 bypass, or tamper with the device, or if the person fails three or
25 more times to comply with any requirement for the maintenance
26 or calibration of the ignition interlock device.

27 (f) The department shall monitor the installation and
28 maintenance of the ignition interlock device installed pursuant to
29 subdivision (a).

30 (g) (1) A person who is notified by the department, pursuant
31 to subdivision (a), is exempt from the requirements of subdivision
32 (c) if all of the following circumstances occur:

33 (A) Within 30 days of the notification, the person certifies to
34 the department all of the following:

35 (i) The person does not own a vehicle.

36 (ii) The person does not have access to a vehicle at his or her
37 residence.

38 (iii) The person no longer has access to the vehicle being driven
39 by the person when he or she was arrested for a violation that

1 subsequently resulted in a conviction for a violation listed in
2 subdivision (j).

3 (iv) The person acknowledges that he or she is only allowed to
4 drive a vehicle that is fitted with an operating ignition interlock
5 device and that he or she is required to have a valid driver's license
6 before he or she can drive.

7 (v) The person is subject to the requirements of this section
8 when he or she purchases or has access to a vehicle.

9 (B) The person's driver's license record has been restricted
10 pursuant to subdivision (d).

11 (C) The person complies with this section immediately upon
12 commencing ownership or operation of a vehicle subject to the
13 required installation of an ignition interlock device.

14 (2) A person who has been granted an exemption pursuant to
15 this subdivision and who subsequently drives a vehicle in violation
16 of the exemption is subject to the penalties of subdivision (i) in
17 addition to any other applicable penalties in law.

18 (h) This section does not permit a person to drive without a
19 valid driver's license.

20 (i) A person who is required under subdivision (c) to install an
21 ignition interlock device who willfully fails to install the ignition
22 interlock device within the time period required under subdivision
23 (c) is guilty of a misdemeanor and shall be punished by
24 imprisonment in the county jail for not more than six months or
25 by a fine of not more than five thousand dollars (\$5,000), or by
26 both that fine and imprisonment.

27 (j) In addition to all other requirements of this code, a person
28 convicted of any of the following violations shall be punished as
29 follows:

30 (1) Upon a conviction of a violation of Section 14601.2,
31 14601.4, or 14601.5 subsequent to one prior conviction of a
32 violation of Section 23103.5, 23152, or 23153, within a 10-year
33 period, the person shall immediately install a certified ignition
34 interlock device, pursuant to this section, in all vehicles owned or
35 operated by that person for a term of one year.

36 (2) Upon a conviction of a violation of Section 14601.2,
37 14601.4, or 14601.5 subsequent to two prior convictions of a
38 violation of Section 23103.5, 23152, or 23153, within a 10-year
39 period, or one prior conviction of Section 14601.2, 14601.4, or
40 14601.5, within a 10-year period, the person shall immediately

1 install a certified ignition interlock device, pursuant to this section,
2 in all vehicles owned or operated by that person for a term of two
3 years.

4 (3) Upon a conviction of a violation of Section 14601.2,
5 14601.4, or 14601.5 subsequent to three or more prior convictions
6 of a violation of Section 23103.5, 23152, or 23153, within a
7 10-year period, or two or more prior convictions of Section
8 14601.2, 14601.4, or 14601.5, within a 10-year period, the person
9 shall immediately install a certified ignition interlock device,
10 pursuant to this section, in all vehicles owned or operated by that
11 person for a term of three years.

12 (k) The department shall notify the court if a person subject to
13 this section has failed to show proof of installation within 30 days
14 of the department informing the person he or she is required to
15 install a certified ignition interlock device.

16 (l) Subdivisions (j), (k), (m), (n), and (o) of Section 23575 apply
17 to this section.

18 (m) The requirements of this section are in addition to any other
19 requirements of law.

20 ~~(n) This section shall become operative on July 1, 2009.~~

21 *(n) This section shall become inoperative on July 1, 2016, and,*
22 *as of January 1, 2017, is repealed, unless a later enacted statute,*
23 *that becomes operative on or before January 1, 2017, deletes or*
24 *extends the dates on which it becomes inoperative and is repealed.*

25 SEC. 16. Section 23573 is added to the Vehicle Code, to read:

26 23573. (a) The Department of Motor Vehicles, upon receipt
27 of the court's abstract of conviction for a violation listed in
28 subdivision (j), shall inform the convicted person of the
29 requirements of this section and the term for which the person is
30 required to have a certified ignition interlock device installed. The
31 records of the department shall reflect the mandatory use of the
32 device for the term required and the time when the device is
33 required to be installed pursuant to this code.

34 (b) The department shall advise the person that installation of
35 an ignition interlock device on a vehicle does not allow the person
36 to drive without a valid driver's license.

37 (c) A person who is notified by the department pursuant to
38 subdivision (a) shall, within 30 days of notification, complete all
39 of the following:

1 (1) Arrange for each vehicle owned or operated by the person
2 to be fitted with an ignition interlock device by a certified ignition
3 interlock device provider under Section 13386.

4 (2) Notify the department and provide to the department proof
5 of installation by submitting the “Verification of Installation” form
6 described in paragraph (2) of subdivision (g) of Section 13386.

7 (3) Pay to the department a fee sufficient to cover the costs of
8 administration of this section, including startup costs, as determined
9 by the department.

10 (d) The department shall place a restriction on the driver’s
11 license record of the convicted person that states the driver is
12 restricted to driving only vehicles equipped with a certified ignition
13 interlock device.

14 (e) (1) A person who is notified by the department pursuant to
15 subdivision (a) shall arrange for each vehicle with an ignition
16 interlock device to be serviced by the installer at least once every
17 60 days in order for the installer to recalibrate and monitor the
18 operation of the device.

19 (2) The installer shall notify the department if the device is
20 removed or indicates that the person has attempted to remove,
21 bypass, or tamper with the device, or if the person fails three or
22 more times to comply with any requirement for the maintenance
23 or calibration of the ignition interlock device.

24 (f) The department shall monitor the installation and
25 maintenance of the ignition interlock device installed pursuant to
26 subdivision (a).

27 (g) (1) A person who is notified by the department, pursuant
28 to subdivision (a), is exempt from the requirements of subdivision
29 (c) if all of the following circumstances occur:

30 (A) Within 30 days of the notification, the person certifies to
31 the department all of the following:

32 (i) The person does not own a vehicle.

33 (ii) The person does not have access to a vehicle at his or her
34 residence.

35 (iii) The person no longer has access to the vehicle being driven
36 by the person when he or she was arrested for a violation that
37 subsequently resulted in a conviction for a violation listed in
38 subdivision (j).

39 (iv) The person acknowledges that he or she is only allowed to
40 drive a vehicle that is fitted with an operating ignition interlock

1 device and that he or she is required to have a valid driver's license
2 before he or she can drive.

3 (v) The person is subject to the requirements of this section
4 when he or she purchases or has access to a vehicle.

5 (B) The person's driver's license record has been restricted
6 pursuant to subdivision (d).

7 (C) The person complies with this section immediately upon
8 commencing ownership or operation of a vehicle subject to the
9 required installation of an ignition interlock device.

10 (2) A person who has been granted an exemption pursuant to
11 this subdivision and who subsequently drives a vehicle in violation
12 of the exemption is subject to the penalties of subdivision (i) in
13 addition to any other applicable penalties in law.

14 (h) This section does not permit a person to drive without a
15 valid driver's license.

16 (i) A person who is required under subdivision (c) to install an
17 ignition interlock device who willfully fails to install the ignition
18 interlock device within the time period required under subdivision
19 (c) is guilty of a misdemeanor and shall be punished by
20 imprisonment in the county jail for not more than six months or
21 by a fine of not more than five thousand dollars (\$5,000), or by
22 both that fine and imprisonment.

23 (j) In addition to all other requirements of this code, a person
24 convicted of any of the following violations shall be punished as
25 follows:

26 (1) Upon a conviction of a violation of Section 14601.2,
27 14601.4, or 14601.5 subsequent to one prior conviction of a
28 violation of Section 23103.5, 23152, or 23153, within a 10-year
29 period, the person shall immediately install a certified ignition
30 interlock device, pursuant to this section, in all vehicles owned or
31 operated by that person for a term of one year.

32 (2) Upon a conviction of a violation of Section 14601.2,
33 14601.4, or 14601.5 subsequent to two prior convictions of a
34 violation of Section 23103.5, 23152, or 23153, within a 10-year
35 period, or one prior conviction of Section 14601.2, 14601.4, or
36 14601.5, within a 10-year period, the person shall immediately
37 install a certified ignition interlock device, pursuant to this section,
38 in all vehicles owned or operated by that person for a term of two
39 years.

(3) Upon a conviction of a violation of Section 14601.2, 14601.4, or 14601.5 subsequent to three or more prior convictions of a violation of Section 23103.5, 23152, or 23153, within a 10-year period, or two or more prior convictions of Section 14601.2, 14601.4, or 14601.5, within a 10-year period, the person shall immediately install a certified ignition interlock device, pursuant to this section, in all vehicles owned or operated by that person for a term of three years.

(k) The department shall notify the court if a person subject to this section has failed to show proof of installation within 30 days of the department informing the person he or she is required to install a certified ignition interlock device.

(l) Subdivisions (g), (h), (j), (k), and (l) of Section 23575 apply to this section.

(m) The requirements of this section are in addition to any other requirements of law.

(n) This section shall become operative on July 1, 2016.

SEC. 17. Section 23575 of the Vehicle Code is amended to read:

23575. (a) (1) In addition to any other law, the court may require that a person convicted of a first offense violation of Section 23152 or 23153 install a certified ignition interlock device on any vehicle that the person owns or operates and prohibit that person from operating a motor vehicle unless that vehicle is equipped with a functioning, certified ignition interlock device. The court shall give heightened consideration to applying this sanction to a first offense violator with 0.15 percent or more, by weight, of alcohol in his or her blood at arrest, or with two or more prior moving traffic violations, or to persons who refused the chemical tests at arrest. If the court orders the ignition interlock device restriction, the term shall be determined by the court for a period not to exceed three years from the date of conviction. The court shall notify the Department of Motor Vehicles, as specified in subdivision (a) of Section 1803, of the terms of the restrictions in accordance with subdivision (a) of Section 1804. The Department of Motor Vehicles shall place the restriction in the person's records in the Department of Motor Vehicles.

(2) The court shall require a person convicted of a violation of Section 14601.2 to install an ignition interlock device on any vehicle that the person owns or operates and prohibit the person

1 from operating a motor vehicle unless the vehicle is equipped with
2 a functioning, certified ignition interlock device. The term of the
3 restriction shall be determined by the court for a period not to
4 exceed three years from the date of conviction. The court shall
5 notify the Department of Motor Vehicles, as specified in
6 subdivision (a) of Section 1803, of the terms of the restrictions in
7 accordance with subdivision (a) of Section 1804. The Department
8 of Motor Vehicles shall place the restriction in the person's records
9 in the Department of Motor Vehicles.

10 (b) The court shall include on the abstract of conviction or
11 violation submitted to the Department of Motor Vehicles under
12 Section 1803 or 1816 the requirement and term for the use of a
13 certified ignition interlock device. The records of the department
14 shall reflect mandatory use of the device for the term ordered by
15 the court.

16 (c) The court shall advise the person that installation of an
17 ignition interlock device on a vehicle does not allow the person to
18 drive without a valid driver's license.

19 (d) A person whose driving privilege is restricted by the court
20 pursuant to this section shall arrange for each vehicle with an
21 ignition interlock device to be serviced by the installer at least
22 once every 60 days in order for the installer to recalibrate and
23 monitor the operation of the device. The installer shall notify the
24 court if the device is removed or indicates that the person has
25 attempted to remove, bypass, or tamper with the device, or if the
26 person fails three or more times to comply with a requirement for
27 the maintenance or calibration of the ignition interlock device.
28 There is no obligation for the installer to notify the court if the
29 person has complied with all of the requirements of this article.

30 (e) The court shall monitor the installation and maintenance of
31 an ignition interlock device restriction ordered pursuant to
32 subdivision (a) or (f). If a person fails to comply with the court
33 order, the court shall give notice of the fact to the department
34 pursuant to Section 40509.1.

35 (f) (1) If a person is convicted of a violation of Section 23152
36 or 23153 and the offense occurred within 10 years of one or more
37 separate violations of Section 23152 or 23153 that resulted in a
38 conviction, or if a person is convicted of a violation of Section
39 23103, as specified in Section 23103.5, and is suspended for one
40 year under Section 13353.3, the person may apply to the

1 Department of Motor Vehicles for a restricted driver's license
2 pursuant to Section 13352 or 13353.3 that prohibits the person
3 from operating a motor vehicle unless that vehicle is equipped
4 with a functioning ignition interlock device, certified pursuant to
5 Section 13386. The restriction shall remain in effect for at least
6 the remaining period of the original suspension or revocation and
7 until all reinstatement requirements in Section 13352 or 13353.4
8 are met.

9 (2) Pursuant to subdivision (g), the Department of Motor
10 Vehicles shall immediately terminate the restriction issued pursuant
11 to Section 13352 or 13353.3 and shall immediately suspend or
12 revoke the privilege to operate a motor vehicle of a person who
13 attempts to remove, bypass, or tamper with the device, who has
14 the device removed prior to the termination date of the restriction,
15 or who fails three or more times to comply with any requirement
16 for the maintenance or calibration of the ignition interlock device
17 ordered pursuant to Section 13352 or 13353.3. The privilege shall
18 remain suspended or revoked for the remaining period of the
19 originating suspension or revocation and until all reinstatement
20 requirements in Section 13352 or 13353.4 are met.

21 (g) A person whose driving privilege is restricted by the
22 Department of Motor Vehicles pursuant to Section 13352 or
23 13353.3 shall arrange for each vehicle with an ignition interlock
24 device to be serviced by the installer at least once every 60 days
25 in order for the installer to recalibrate the device and monitor the
26 operation of the device. The installer shall notify the Department
27 of Motor Vehicles if the device is removed or indicates that the
28 person has attempted to remove, bypass, or tamper with the device,
29 or if the person fails three or more times to comply with any
30 requirement for the maintenance or calibration of the ignition
31 interlock device. There is no obligation on the part of the installer
32 to notify the department or the court if the person has complied
33 with all of the requirements of this section.

34 (h) Nothing in this section permits a person to drive without a
35 valid driver's license.

36 (i) The Department of Motor Vehicles shall include information
37 along with the order of suspension or revocation for repeat
38 offenders informing them that after a specified period of suspension
39 or revocation has been completed, the person may either install an

1 ignition interlock device on any vehicle that the person owns or
2 operates or remain with a suspended or revoked driver's license.

3 (j) Pursuant to this section, an out-of-state resident who
4 otherwise would qualify for an ignition interlock device restricted
5 license in California shall be prohibited from operating a motor
6 vehicle in California unless that vehicle is equipped with a
7 functioning ignition interlock device. An ignition interlock device
8 is not required to be installed on any vehicle owned by the
9 defendant that is not driven in California.

10 (k) ~~If a person has a medical problem that does not permit the~~
11 ~~a person to breathe with sufficient strength to activate the device,~~
12 ~~then that person shall only have the suspension option.~~

13 (l) This section does not restrict a court from requiring
14 installation of an ignition interlock device and prohibiting operation
15 of a motor vehicle unless that vehicle is equipped with a
16 functioning, certified ignition interlock device for a person to
17 whom subdivision (a) or (b) does not apply. The term of the
18 restriction shall be determined by the court for a period not to
19 exceed three years from the date of conviction. The court shall
20 notify the Department of Motor Vehicles, as specified in
21 subdivision (a) of Section 1803, of the terms of the restrictions in
22 accordance with subdivision (a) of Section 1804. The Department
23 of Motor Vehicles shall place the restriction in the person's records
24 in the Department of Motor Vehicles.

25 (m) For the purposes of this section, "vehicle" does not include
26 a motorcycle until the state certifies an ignition interlock device
27 that can be installed on a motorcycle. Any person subject to an
28 ignition interlock device restriction shall not operate a motorcycle
29 for the duration of the ignition interlock device restriction period.

30 (n) For the purposes of this section, "owned" means solely
31 owned or owned in conjunction with another person or legal entity.
32 For purposes of this section, "operates" includes operating a vehicle
33 that is not owned by the person subject to this section.

34 (o) For the purposes of this section, "bypass" includes, but is
35 not limited to, either of the following:

36 (1) A combination of failing or not taking the ignition interlock
37 device rolling retest three consecutive times.

38 (2) An incidence of failing or not taking the ignition interlock
39 device rolling retest, when not followed by an incidence of passing

1 the ignition interlock rolling retest prior to turning off the vehicle's
2 engine.

3 *(p) This section shall become inoperative on July 1, 2016, and,*
4 *as of January 1, 2017, is repealed, unless a later enacted statute,*
5 *that becomes operative on or before January 1, 2017, deletes or*
6 *extends the dates on which it becomes inoperative and is repealed.*

7 SEC. 18. Section 23575 is added to the Vehicle Code, to read:

8 23575. (a) The court shall require a person convicted of a
9 violation of Section 14601.2 to install an ignition interlock device
10 on any vehicle that the person owns or operates and prohibit the
11 person from operating a motor vehicle unless the vehicle is
12 equipped with a functioning, certified ignition interlock device.
13 The term of the restriction shall be determined by the court for a
14 period not to exceed three years from the date of conviction. The
15 court shall notify the Department of Motor Vehicles, as specified
16 in subdivision (a) of Section 1803, of the terms of the restrictions
17 in accordance with subdivision (a) of Section 1804. The
18 Department of Motor Vehicles shall place the restriction in the
19 person's records in the Department of Motor Vehicles.

20 (b) The court shall include on the abstract of conviction or
21 violation submitted to the Department of Motor Vehicles under
22 Section 1803 or 1816 the requirement and term for the use of a
23 certified ignition interlock device. The records of the department
24 shall reflect mandatory use of the device for the term ordered by
25 the court.

26 (c) The court shall advise the person that installation of an
27 ignition interlock device on a vehicle does not allow the person to
28 drive without a valid driver's license.

29 (d) A person whose driving privilege is restricted by the court
30 pursuant to this section shall arrange for each vehicle with an
31 ignition interlock device to be serviced by the installer at least
32 once every 60 days in order for the installer to recalibrate and
33 monitor the operation of the device. The installer shall notify the
34 court if the device is removed or indicates that the person has
35 attempted to remove, bypass, or tamper with the device, or if the
36 person fails three or more times to comply with a requirement for
37 the maintenance or calibration of the ignition interlock device.
38 There is no obligation for the installer to notify the court if the
39 person has complied with all of the requirements of this article.

1 (e) The court shall monitor the installation and maintenance of
2 an ignition interlock device restriction ordered pursuant to
3 subdivision (a) or (i). If a person fails to comply with the court
4 order, the court shall give notice of the fact to the department
5 pursuant to Section 40509.1.

6 (f) Nothing in this section permits a person to drive without a
7 valid driver's license.

8 (g) Pursuant to this section, an out-of-state resident who
9 otherwise would qualify for an ignition interlock device restricted
10 license in California shall be prohibited from operating a motor
11 vehicle in California unless that vehicle is equipped with a
12 functioning ignition interlock device. An ignition interlock device
13 is not required to be installed on any vehicle owned by the
14 defendant that is not driven in California.

15 (h) If a medical problem does not permit a person to breathe
16 with sufficient strength to activate the device, that person shall
17 only have the suspension option.

18 (i) This section does not restrict a court from requiring
19 installation of an ignition interlock device and prohibiting operation
20 of a motor vehicle unless that vehicle is equipped with a
21 functioning, certified ignition interlock device for a person to
22 whom subdivision (a) does not apply. The term of the restriction
23 shall be determined by the court for a period not to exceed three
24 years from the date of conviction. The court shall notify the
25 Department of Motor Vehicles, as specified in subdivision (a) of
26 Section 1803, of the terms of the restrictions in accordance with
27 subdivision (a) of Section 1804. The Department of Motor Vehicles
28 shall place the restriction in the person's records in the Department
29 of Motor Vehicles.

30 (j) For the purposes of this section, "vehicle" does not include
31 a motorcycle until the state certifies an ignition interlock device
32 that can be installed on a motorcycle. Any person subject to an
33 ignition interlock device restriction shall not operate a motorcycle
34 for the duration of the ignition interlock device restriction period.

35 (k) For the purposes of this section, "owned" means solely
36 owned or owned in conjunction with another person or legal entity.
37 For purposes of this section, "operates" includes operating a vehicle
38 that is not owned by the person subject to this section.

39 (l) For the purposes of this section, "bypass" includes, but is
40 not limited to, either of the following:

1 (1) A combination of failing or not taking the ignition interlock
2 device rolling retest three consecutive times.

3 (2) An incidence of failing or not taking the ignition interlock
4 device rolling retest, when not followed by an incidence of passing
5 the ignition interlock rolling retest prior to turning off the vehicle's
6 engine.

7 (m) This section shall become operative on July 1, 2016.

8 SEC. 19. Section 23575.3 is added to the Vehicle Code, to
9 read:

10 23575.3. (a) In addition to any other requirement imposed by
11 law, a court shall require a person convicted of a violation listed
12 in subdivision (h) to install a certified ignition interlock device on
13 any vehicle that the person owns or operates and shall prohibit that
14 person from operating a motor vehicle unless that vehicle is
15 equipped with a functioning, certified ignition interlock device in
16 accordance with this section.

17 (b) The Department of Motor Vehicles, upon receipt of the
18 court's abstract of conviction for a violation listed in subdivision
19 (h), shall inform the convicted person of the requirements of this
20 section, including the term for which the person is required to have
21 a certified ignition interlock device installed. The records of the
22 department shall reflect the mandatory use of the device for the
23 term required and the time when the device is required to be
24 installed by this code.

25 (c) The department shall advise the person that installation of
26 an ignition interlock device on a vehicle does not allow the person
27 to drive without a valid driver's license.

28 (d) (1) A person who is notified by the department pursuant to
29 subdivision (b) shall do all of the following:

30 (A) Arrange for each vehicle owned or operated by the person
31 to be equipped with a functioning ignition interlock device by a
32 certified ignition interlock device provider under Section 13386.

33 (B) Provide to the department proof of installation by submitting
34 the "Verification of Installation" form described in paragraph (2)
35 of subdivision (g) of Section 13386.

36 (C) Pay a fee, determined by the department, that is sufficient
37 to cover the costs of administration of this section.

38 (2) A person who is notified by the department pursuant to
39 subdivision (b), is exempt from the requirements of this subdivision
40 until the time he or she purchases or has access to a vehicle if,

1 within 30 days of the notification, the person certifies to the
2 department all of the following:

3 (A) The person does not own a vehicle.

4 (B) The person does not have access to a vehicle at his or her
5 residence.

6 (C) The person no longer has access to the vehicle he or she
7 was driving at the time he or she was arrested for a violation that
8 subsequently resulted in a conviction for a violation listed in
9 subdivision (h).

10 (D) The person acknowledges that he or she is only allowed to
11 drive a vehicle that is equipped with a functioning ignition interlock
12 device.

13 (E) The person acknowledges that he or she is required to have
14 a valid driver's license before he or she can drive.

15 (F) The person acknowledges that he or she is subject to the
16 requirements of this section when he or she purchases or has access
17 to a vehicle.

18 (e) In addition to any other restrictions the department places
19 on the driver's license record of the convicted person when the
20 person is issued a restricted driver's license pursuant to Section
21 13352 or 13352.4, the department shall place a restriction on the
22 driver's license record of the person that states the driver is
23 restricted to driving only vehicles equipped with a certified ignition
24 interlock device for the applicable term.

25 (f) (1) A person who is notified by the department pursuant to
26 subdivision (b) shall arrange for each vehicle with an ignition
27 interlock device to be serviced by the installer at least once every
28 60 days in order for the installer to recalibrate and monitor the
29 operation of the device.

30 (2) The installer shall notify the department if the device is
31 removed or indicates that the person has attempted to remove,
32 bypass, or tamper with the device, or if the person fails three or
33 more times to comply with any requirement for the maintenance
34 or calibration of the ignition interlock device.

35 (g) The department shall monitor the installation and
36 maintenance of the ignition interlock device installed pursuant to
37 subdivision (d).

38 (h) A person is required to install an ignition interlock device
39 pursuant to this section for the applicable term, as follows:

1 (1) A person convicted of a violation of subdivision (a), (b),
2 (d), or (f) of Section 23152 shall be required to install an ignition
3 interlock device, as follows:

4 (A) Upon a first offense, the person shall install an ignition
5 interlock device in all vehicles owned or operated by that person
6 for a mandatory term of six months.

7 (B) Upon a second offense, the person shall install an ignition
8 interlock device in all vehicles owned or operated by that person
9 for a mandatory term of 12 months.

10 (C) Upon a third offense, the person shall install an ignition
11 interlock device in all vehicles owned or operated by that person
12 for a mandatory term of 24 months.

13 (D) Upon a fourth or subsequent offense, the person shall install
14 an ignition interlock device in all vehicles owned or operated by
15 that person for a mandatory term of 36 months.

16 (2) A person convicted of a violation of (a), (b), (d), or (f) of
17 Section 23153 shall install an ignition interlock device, as follows:

18 (A) Upon a first offense, the person shall install an ignition
19 interlock device in all vehicles owned or operated by that person
20 for a mandatory term of 12 months.

21 (B) Upon a second offense, the person shall install an ignition
22 interlock device in all vehicles owned or operated by that person
23 for a mandatory term of 24 months.

24 (C) Upon a third offense, the person shall install an ignition
25 interlock device in all vehicles owned or operated by that person
26 for a mandatory term of 36 months.

27 (D) Upon a fourth or subsequent offense, the person shall install
28 an ignition interlock device in all vehicles owned or operated by
29 that person for a mandatory term of 48 months.

30 (3) The terms prescribed in this subdivision shall begin once a
31 person has complied with subparagraph (B) of paragraph (1) of
32 subdivision (d) and either upon the reinstatement of the privilege
33 to drive pursuant to Section 13352 or the issuance of a restricted
34 driver's license pursuant to Section 13352 or 13352.4. A person
35 shall receive credit for any period in which he or she had a
36 restricted driver's license issued pursuant to Section 13353.3 or
37 13353.7 and he or she was in compliance with Section 13353.6.

38 (i) Subdivisions (g), (h), (j), and (k) of Section 23575 apply to
39 this section.

(j) If a person fails to comply with any of the requirements regarding ignition interlock devices, the mandatory term for which the ignition interlock device is required to be installed shall be reset by the department.

(k) (1) Every manufacturer and manufacturer's agent certified by the department to provide ignition interlock devices, under Section 13386, shall adopt the following fee schedule that provides for the payment of the costs of the ignition interlock device by offenders subject to this chapter in amounts commensurate with that person's income relative to the federal poverty level, as defined in Section 127400 of the Health and Safety Code:

(A) A person with an income at 100 percent of the federal poverty level and below is responsible for 10 percent of the cost of the ignition interlock device. The ignition interlock device provider is responsible for absorbing the cost of the ignition interlock device that is not paid by the person.

(B) A person with an income at 101 to 200 percent of the federal poverty level is responsible for 25 percent of the cost of the ignition interlock device. The ignition interlock device provider is responsible for absorbing the cost of the ignition interlock device that is not paid by the person.

(C) A person with an income at 201 to 300 percent of the federal poverty level is responsible for 50 percent of the cost of the ignition interlock device. The ignition interlock device provider is responsible for absorbing the cost of the ignition interlock device that is not paid by the person.

(D) All other offenders are responsible for 100 percent of the cost of the ignition interlock device.

(2) The cost of the ignition interlock device may only be raised annually equal to the Consumer Price Index.

(3) The offender's income may be verified by presentation of that person's current federal income tax return or three months of monthly income statements.

(l) This section does not permit a person to drive without a valid driver's license.

(m) The requirements of this section are in addition to any other requirements of law.

(n) For the purposes of this section, "vehicle" does not include a motorcycle until the state certifies an ignition interlock device that can be installed on a motorcycle. A person subject to an

1 ignition interlock device restriction shall not operate a motorcycle
2 for the duration of the ignition interlock device restriction period.

3 (o) This section shall become operative on July 1, 2016.

4 SEC. 20. Section 23575.5 is added to the Vehicle Code, to
5 read:

6 23575.5. (a) On or before June 1, 2020, the Department of
7 Motor Vehicles shall report to the Legislature regarding the
8 implementation and efficacy of the program enacted by the act
9 that added this section.

10 (b) The report described in subdivision (a) shall, at a minimum,
11 include the following:

12 (1) A comparison of the number of injuries and deaths resulting
13 from alcohol-related car accidents during the following periods:

14 (A) July 1, 2016, to January 1, 2020, inclusive.

15 (B) July 1, 2013, to July 1, 2016, inclusive.

16 (C) July 1, 2010, to July 1, 2013, inclusive.

17 (D) July 1, 2007, to July 1, 2010, inclusive.

18 (2) A comparison of the number of individuals who have been
19 convicted more than one time for driving under the influence of
20 alcohol during the following periods:

21 (A) July 1, 2016, to January 1, 2020, inclusive.

22 (B) July 1, 2013, to July 1, 2016, inclusive.

23 (C) July 1, 2010, to July 1, 2013, inclusive.

24 (D) July 1, 2007, to July 1, 2010, inclusive.

25 (c) The report described in subdivision (a) shall be submitted
26 in compliance with Section 9795 of the Government Code.

27 (d) (1) This section shall become operative on July 1, 2016.

28 (2) Pursuant to Section 10231.5 of the Government Code, this
29 section shall become inoperative on June 1, 2024, and, as of
30 January 1, 2025, is repealed, unless a later enacted statute, that
31 becomes operative on or before January 1, 2025, deletes or extends
32 the dates on which it becomes inoperative and is repealed.

33 SEC. 21. Section 23576 of the Vehicle Code is amended to
34 read:

35 23576. (a) Notwithstanding Sections 23575 and 23700, if a
36 person is required to operate a motor vehicle in the course and
37 scope of his or her employment and if the vehicle is owned by the
38 employer, the person may operate that vehicle without installation
39 of an approved ignition interlock device if the employer has been
40 notified by the person that the person's driving privilege has been

1 restricted pursuant to Sections 23575 and 23700 and if the person
2 has proof of that notification in his or her possession, or if the
3 notice, or a facsimile copy thereof, is with the vehicle.

4 (b) A motor vehicle owned by a business entity that is all or
5 partly owned or controlled by a person otherwise subject to
6 Sections 23575 and 23700, is not a motor vehicle owned by the
7 employer subject to the exemption in subdivision (a).

8 (c) *This section shall become inoperative on July 1, 2016, and,*
9 *as of January 1, 2017, is repealed, unless a later enacted statute,*
10 *that becomes operative on or before January 1, 2017, deletes or*
11 *extends the dates on which it becomes inoperative and is repealed.*

12 SEC. 22. Section 23576 is added to the Vehicle Code, to read:

13 23576. (a) Notwithstanding Sections 23575, 23575.3, and
14 23700, if a person is required to operate a motor vehicle in the
15 course and scope of his or her employment and if the vehicle is
16 owned by the employer, the person may operate that vehicle
17 without installation of an approved ignition interlock device if the
18 employer has been notified by the person that the person's driving
19 privilege has been restricted pursuant to Sections 23575, 23575.3,
20 or 23700 and if the person has proof of that notification in his or
21 her possession, or if the notice, or a facsimile copy thereof, is with
22 the vehicle.

23 (b) A motor vehicle owned by a business entity that is all or
24 partly owned or controlled by a person otherwise subject to
25 Sections 23575, 23575.3, or 23700, is not a motor vehicle owned
26 by the employer subject to the exemption in subdivision (a).

27 (c) This section shall become operative on July 1, 2016.

28 SEC. 23. Section 23597 of the Vehicle Code is amended to
29 read:

30 23597. (a) Notwithstanding Sections 13202.5, 13203, and
31 13352, a court may order a 10-year revocation of the driver's
32 license of a person who has been convicted of three or more
33 separate violations of Section 23152 or 23153, the last of which
34 is punishable under Section 23546, 23550, 23550.5, or 23566.
35 When making this order, the court shall consider all of the
36 following:

37 (1) The person's level of remorse for the acts.

38 (2) The period of time that has elapsed since the person's
39 previous convictions.

40 (3) The person's blood-alcohol level at the time of the violation.

1 (4) The person's participation in an alcohol treatment program.

2 (5) The person's risk to traffic or public safety.

3 (6) The person's ability to install a certified ignition interlock
4 device in each motor vehicle that he or she owns or operates.

5 (b) Upon receipt of a duly certified abstract of the record of the
6 court showing the court has ordered a 10-year revocation of a
7 driver's license pursuant to this section, the department shall revoke
8 the person's driver's license for 10 years, except as provided in
9 subdivision (c).

10 (c) (1) Five years from the date of the last conviction of a
11 violation of Section 23152 or 23153, a person whose license was
12 revoked pursuant to subdivision (a) may apply to the department
13 to have his or her privilege to operate a motor vehicle reinstated,
14 subject to the condition that the person submits the "Verification
15 of Installation" form described in paragraph (2) of subdivision ~~(h)~~
16 (g) of Section 13386 and agrees to maintain the ignition interlock
17 device as required under subdivision (g) of Section 23575.
18 Notwithstanding Chapter 5 (commencing with Section 23700) or
19 subdivision (f) of Section 23575, the ignition interlock device shall
20 remain on the person's motor vehicle for two years following the
21 reinstatement of the person's driving privilege pursuant to this
22 section.

23 (2) The department shall reinstate the person's license pursuant
24 to paragraph (1), if the person satisfies all of the following
25 conditions:

26 (A) The person was not convicted of any drug- or alcohol-related
27 offenses, under state law, during the driver's license revocation
28 period.

29 (B) The person successfully completed a
30 driving-under-the-influence program, licensed pursuant to Section
31 11836 of the Health and Safety Code, following the date of the
32 last conviction of a violation of Section 23152 or 23153.

33 (C) The person was not convicted of violating Section 14601,
34 14601.1, 14601.2, 14601.4, or 14601.5 during the driver's license
35 revocation period.

36 (3) The department shall immediately terminate the restriction
37 issued pursuant to this section and shall immediately revoke the
38 privilege to operate a motor vehicle of a person who attempts to
39 remove, bypass, or tamper with the device, who has the device
40 removed prior to the termination date of the restriction, or who

1 fails three or more times to comply with any requirement for the
2 maintenance or calibration of the ignition interlock device. The
3 privilege shall remain revoked for the remaining period of the
4 original revocation and until all reinstatement requirements are
5 met.

6 ~~(d) This section shall become operative on January 1, 2012.~~

7 *(d) This section shall become inoperative on July 1, 2016, and,*
8 *as of January 1, 2017, is repealed, unless a later enacted statute,*
9 *that becomes operative on or before January 1, 2017, deletes or*
10 *extends the dates on which it becomes inoperative and is repealed.*

11 SEC. 24. Section 23597 is added to the Vehicle Code, to read:

12 23597. (a) Notwithstanding Sections 13202.5, 13203, and
13 13352, a court may order a 10-year revocation of the driver's
14 license of a person who has been convicted of three or more
15 separate violations of Section 23152 or 23153, the last of which
16 is punishable under Section 23546, 23550, 23550.5, or 23566.
17 When making this order, the court shall consider all of the
18 following:

- 19 (1) The person's level of remorse for the acts.
- 20 (2) The period of time that has elapsed since the person's
- 21 previous convictions.
- 22 (3) The person's blood-alcohol level at the time of the violation.
- 23 (4) The person's participation in an alcohol treatment program.
- 24 (5) The person's risk to traffic or public safety.
- 25 (6) The person's ability to install a certified ignition interlock
- 26 device in each motor vehicle that he or she owns or operates.

27 (b) Upon receipt of a duly certified abstract of the record of the
28 court showing the court has ordered a 10-year revocation of a
29 driver's license pursuant to this section, the department shall revoke
30 the person's driver's license for 10 years, except as provided in
31 subdivision (c).

32 (c) (1) Five years from the date of the last conviction of a
33 violation of Section 23152 or 23153, a person whose license was
34 revoked pursuant to subdivision (a) may apply to the department
35 to have his or her privilege to operate a motor vehicle reinstated,
36 subject to the condition that the person submits the "Verification
37 of Installation" form described in paragraph (2) of subdivision (g)
38 of Section 13386 and agrees to maintain the ignition interlock
39 device as required under subdivision (f) of Section 23575.3.
40 Notwithstanding Chapter 5 (commencing with Section 23700) or

1 Section 23575.3, the ignition interlock device shall remain on the
2 person's motor vehicle for two years following the reinstatement
3 of the person's driving privilege pursuant to this section.

4 (2) The department shall reinstate the person's license pursuant
5 to paragraph (1), if the person satisfies all of the following
6 conditions:

7 (A) The person was not convicted of any drug- or alcohol-related
8 offenses, under state law, during the driver's license revocation
9 period.

10 (B) The person successfully completed a
11 driving-under-the-influence program, licensed pursuant to Section
12 11836 of the Health and Safety Code, following the date of the
13 last conviction of a violation of Section 23152 or 23153.

14 (C) The person was not convicted of violating Section 14601,
15 14601.1, 14601.2, 14601.4, or 14601.5 during the driver's license
16 revocation period.

17 (3) The department shall immediately terminate the restriction
18 issued pursuant to this section and shall immediately revoke the
19 privilege to operate a motor vehicle of a person who attempts to
20 remove, bypass, or tamper with the device, who has the device
21 removed prior to the termination date of the restriction, or who
22 fails three or more times to comply with any requirement for the
23 maintenance or calibration of the ignition interlock device. The
24 privilege shall remain revoked for the remaining period of the
25 original revocation and until all reinstatement requirements are
26 met.

27 (d) This section shall become operative on July 1, 2016.

28 SEC. 25. No reimbursement is required by this act pursuant to
29 Section 6 of Article XIII B of the California Constitution because
30 the only costs that may be incurred by a local agency or school
31 district will be incurred because this act creates a new crime or
32 infraction, eliminates a crime or infraction, or changes the penalty
33 for a crime or infraction, within the meaning of Section 17556 of
34 the Government Code, or changes the definition of a crime within
35 the meaning of Section 6 of Article XIII B of the California
36 Constitution.